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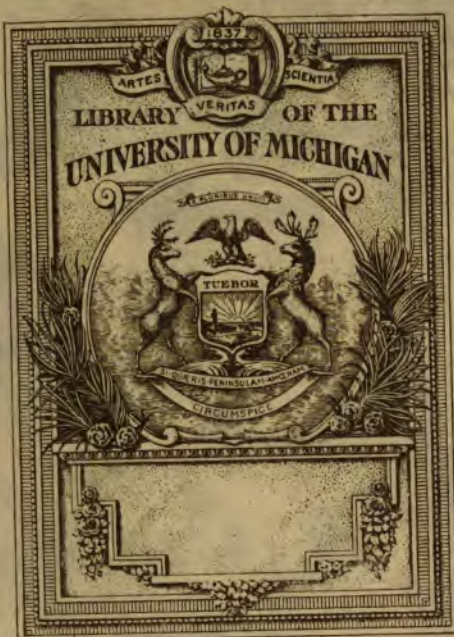
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THE GIFT OF  
*Bay City Common Council*

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A3  
1882

THE  
CHARTER AND ORDINANCES  
OF  
BAY CITY,  
WITH THE  
RULES OF THE COMMON COUNCIL.

Printed and Published by Authority of the  
Common Council.

BAY CITY, MICH.:  
Jas. Gray, Printer, Morning Call Office.  
1882.

24

RESOLUTIONS ADOPTED BY THE COMMON  
COUNCIL.

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BY ALD. WRIGHT :—

*Resolved*, That the ordinances of this city, arranged and compiled by the committee on ordinances and the city attorney, including the ordinance and amendments to ordinances adopted at the present session of the council, be printed and published in book form, together with the charter of the city and the rules of the common council ; and that such compilation, when so printed and published, shall be taken and deemed to have been printed and published by authority of the common council of Bay City, and that a copy of this resolution be printed and published with said compilation.

Adopted February 27th, 1882.

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BY ALD. WRIGHT :—

*Resolved*, That the ordinances and amendments adopted since February 27th, last, be included in the compilation of ordinances now being printed.

Adopted March 27th, 1882.

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RECORDER'S OFFICE, }  
Bay City, Michigan. }

I hereby certify that the above and foregoing are true copies of resolutions adopted by the common council of Bay City, at sessions thereof, held on the days above mentioned.

THOMAS A. DELZELL,  
Recorder.

313626

29 Feb. 12 - P.B.R.

12-21-31

Released. 11/16/82



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# Charter of Bay City,

**Being Act No. 346 of the Legislature for the  
Year 1881.**



# CHARTER OF BAY CITY.

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**AN ACT** to revise "An act to incorporate the City of Bay City," approved March 21, 1865, as amended and revised by the several acts amendatory and revisionary thereof.

SECTION 1. *The People of the State of Michigan enact*, That all the district of country in the County of Bay, and State of Michigan, embraced within the limits constituting the present territory of Bay City and hereinafter particularly described, is hereby constituted and still declared to be a city by the name of Bay City, said district of country being included within the following limits, to-wit: Beginning at a point in the middle of the Saginaw river, where the section line between sections fourteen and fifteen, in town fourteen north, of range five east, crosses said river, thence southerly on the line between said sections fourteen and fifteen, twenty-two and twenty-three, and twenty-six and twenty-seven, in said townships, to the quarter line of said section twenty-seven; thence westerly to the center of said section twenty-seven; thence southerly on said quarter lines of said sections twenty-seven and thirty-four to the center of section thirty-four; thence westerly on the quarter line to the west section line of said section thirty-four; thence south-

Boundaries.

erly on the section line between sections thirty-three and thirty-four to the southeast corner of section thirty-three; thence westerly on the line between sections thirty-three and section four, to the quarter line of said section four in township thirteen north of range five east; thence southerly on the quarter line of sections four and nine to the center of said section nine; thence westerly on the quarter line through sections nine and eight in said last named town to the center of the Saginaw river; thence northerly and easterly along the center of said river to the place of beginning.

Corporate name

Bay City may  
sue and be sued

SEC. 2. The freemen of said city, from time to time being inhabitants thereof, shall be and continue a body, corporate and politic to be known and distinguished by the name and title of Bay City, and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, answering and being answered unto, and of defending and being defended in all courts of law and equity and in all places whatsoever, and may have a common seal which they may alter and change at pleasure, and may take, hold, purchase, lease, convey and dispose of any real, personal or mixed estate for the use or benefit of said corporation.

Ward  
aries.

bound-

SEC. 3. Said city shall be divided into seven wards. The first ward shall include all that portion of the said city lying north of the continuous line of the center of Second street; the second ward shall include all that portion of said city lying between the continuous line of the center of Second street and the continuous line of the center of Center street; the third ward shall include all that portion of said city lying between said last named line and the continuous line of the center of Tenth street; the fourth ward shall comprise all that portion of said city lying between said last named

line and the continuous line of the center of Fifteenth street; the fifth ward shall comprise all that portion of said city lying between said last named line and the continuous line of the center of Twenty-fourth street; the sixth ward shall embrace all that portion of said city lying between said last named line and the continuous line between fractions two and three in fractional section thirty-two, town fourteen, north of range five east; the seventh ward shall comprise all that portion of said city lying south of said continuous line between said fractions two and three and the south line of said city as hereby established.

SEC. 4. In the construction of this act the following definitions of terms and words shall be observed and understood, except where some other meaning is indicated by the context, viz: "Official newspaper" Definitions. means the newspaper which the common council shall designate as such, as provided in section 145 of this act; "Treasurer" means the Treasurer of Bay City; "Comptroller" means the Comptroller of Bay City; "Council" means the Common Council of Bay City; "council chamber" means the room where the council usually holds its meetings; "city" means Bay City; "Local tax roll" means an assessment or tax roll upon which persons or property are assessed for a particular public work, and which assessment is made up on the basis of benefits to such persons or property conferred by the said work; "city tax roll" means the roll upon which the general city and school fund and the general ward highway funds are first assessed; "county tax roll" means the roll upon which the State and county taxes apportioned to said city are first assessed; "compiled laws" means the edition of the compiled laws published in the year 1871; "the charter" means this act.

SEC. 5. At the first annual election after the pass- Officers and  
terms of office.

age of this act, and at each annual election thereafter, there shall be elected one alderman in each ward of said city by the electors thereof, voting in their several wards, who shall hold his office for two years. There shall also be elected annually in each ward by the electors thereof, one supervisor and one constable, each of whom shall hold his office for one year. Each of said supervisors shall be the supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At the first annual charter election after the passage of this act, there shall be elected on a general city ticket by the qualified electors of said city : one mayor, one recorder, and one treasurer, each of whom shall hold his office for two years ; and at every second annual election thereafter, unless a vacancy should sooner occur, there shall be elected a mayor, a recorder, and treasurer, who shall each hold his office for two years. At said first annual election there shall also be elected on said general city ticket, a comptroller and a justice of the peace, each of whom shall hold his office for four years; and at every annual election thereafter a justice of the peace shall be elected, who shall hold his office for four years ; and at every fourth annual election thereafter, unless a vacancy sooner occur, there shall be elected a comptroller, who shall hold his office for four years. Justices of the peace of said city shall have the same jurisdiction and powers, perform the same duties, and be subject to the same liabilities as justices of the peace of townships of this State, except as herein otherwise provided. The terms of office of said justices shall commence when elected and qualified. Each of said officers shall hold his office until his successor is elected and quali-

fied: *Provided, however,* That all persons now holding elective office in said city shall continue to hold their several offices for the remainder of their unexpired terms, and that no election shall be held for recorder, unless a vacancy occur, until the annual election for the year 1882. The treasurer shall be ineligible for re-election for the next succeeding term.

SEC. 6. The annual election under this act shall be held on the first Monday of April of each year, at such place in each of the several wards as the council may designate. Notice thereof shall be given by the recorder at least eight days before the election, by publishing the same in the official newspaper of said city. The aldermen and supervisor of each ward shall be inspectors of such election and they shall also be inspectors of the State and county elections, and shall choose the clerk thereof; and in case of the absence of one or more of such inspectors, or if no inspectors have been elected or appointed, the electors present may choose *viva voce* from their number one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors or by any justice of the peace. The manner of conducting all elections and canvassing the votes and qualifications of electors in the several wards shall be the same as that of townships, the word "ward" instead of "township" being used in the oath to be administered to an elector in case his vote shall be challenged: *Provided,* That at such charter election the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificates shall be immediately filed in the office of the recorder of said city; and upon the Thursday next following the day of such election the council shall

Elections.

When held and notice.

Inspectors of.

Manner of conducting.

Certificates of election of city and ward officers.

Canvass of votes by council for city officers.

meet at the office of said recorder and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election, and each of said officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office: *Provided*, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof and cause it to be delivered to the county clerk in the same manner as is required of township clerks; and in case two or more shall receive for the same office an equal number and not a plurality of votes given at such election, the council shall immediately proceed to determine by lot between the persons receiving the highest number of votes, which shall be considered elected to such office.

Notice by recorder to persons elected. In case any of the officers elected shall neglect, for the term of ten days, to qualify, as aforesaid, the office shall thereby become vacant. No person shall be eligible to any elective city office unless he shall be an elector and resident within the city, or of the ward, if elected to a ward office, for one year next preceding his election.

Officers to qualify.

Certificate of election of justice of the peace.

Neglect of officers elected to qualify.

Eligibility for elective office.

Constitution of the council. SEC. 7. The mayor, recorder, and aldermen when assembled together and organized shall constitute the common council of Bay City and a majority of the aldermen elect shall be necessary to constitute a quorum for the transaction of business; but a less number may adjourn from time to time, and the council may be summoned to hold their meetings at such time and place as the mayor, or in case of his absence

or inability to act, the recorder or a majority of the council may appoint. The council shall have power to send for and compel the attendance of any of their members or of any officer of said city, and to impose, levy, and collect such fines as they may deem proper, not exceeding five dollars for non-attendance at any meeting of such member, or officer. No alderman shall be allowed to vote on any question in which he has a direct personal interest but upon all other questions he shall vote. The mayor shall preside at all meetings of the council, but in case of his absence the council shall have power to appoint a president *pro tempore*. If the mayor shall file with the recorder his objections in writing to any ordinance or resolution passed by said council within three days after the passage of the same, setting forth his reasons and not approving the same, such ordinance or resolution shall not become operative, unless again passed or adopted by a vote of two-thirds of all the aldermen elect.

Powers of.

Mayor to preside at meetings of.

Veto of ordinances by.

SEC. 8. The council shall have power to appoint an attorney, a street commissioner, a director of the poor, a surveyor, and a chief and one or more assistant engineers for the fire department and such other officers whose election is not specially provided for in this charter as they may deem necessary to carry into effect the powers in this act granted, provided that in case of a tie by the council in such appointment the mayor shall have a right to vote. Any person so appointed to any office may be removed therefrom by the council upon a two-thirds vote of the members elect. Any person holding office by election except the mayor, recorder and justice of the peace, may be removed therefrom by the council for corrupt or willful malfeasance or misfeasance in office, or for willfully neglecting the duties of his office; or for any violation of any of the ordinances of

Appointment of city officers by council.

Removal of the same by the Council.

the council by a two-thirds vote of the aldermen elect; in such case the reasons for removal shall be entered in the records of the council with the names and votes of the members voting on the question. No officer holding office by election shall be removed by the council unless first furnished with a copy of the charges against him in writing and allowed to be heard in his defense with the aid of counsel. The council shall have power to issue subpoenas, under the hand of the mayor or their chairman, to compel the attendance of witnesses and the production of papers and shall proceed within twenty days after the service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer such charges his default shall be deemed good cause for removal.

Vacancies in  
city offices.

Substitutes to  
be appointed by  
council.

General powers  
of council.

Finances, ordi-  
nances, public  
property.

SEC. 9. Resignations of officers shall be made in writing to the council, and be subject to their approval and acceptance. In case of death, resignation, removal from office, neglect to qualify, removal from the city or ward for which he was elected, or permanent disability to perform the duties of his office, of any person holding office by election (except judicial officers), the council shall appoint some person eligible under the charter to serve in such office until the next annual election, and until his successor is elected and qualified, and at such annual election the vacancy shall be filled for the residue of the unexpired term.

SEC. 10. The council, in addition to the powers specially conferred upon them by this act, shall have the management and control of the finances of the city, and may make such orders, by-laws or ordinances relating to the same, as they deem proper and necessary. They shall also have control and management of all public buildings, and of all property, real and personal, belonging to the city. They shall also have

power within the limits and jurisdiction of said corporation :

*First,* To provide for and preserve the purity and salubrity of the waters of the Saginaw river ; to prohibit and prevent the deposit therein of all filthy and other matter tending to render said water impure, unwholesome or offensive ; to preserve and regulate the navigation of said river and other navigable waters within the limits of said city ; to prohibit and prevent the depositing or keeping therein of any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting and mooring of vessels, and laying out of cargoes and ballast from the same, and to appoint so many harbor-masters as they may deem necessary, and to prescribe their powers, duties, and compensation ;

Salubrity of river.

Regulation of navigation.

Removal of obstructions from river.

Vessels.

Harbor master.

*Second,* To license, continue, and regulate so many ferries and bridges, from within said city, to the opposite shore of Saginaw river, for carrying and transporting persons and property across said river, in such manner as shall be deemed most conducive to the public good ;

Licensing of ferries and bridges.

*Third,* To erect, repair, and regulate public wharves and docks at the ends of streets, and on the property of the corporation ; to regulate the erection and repair of private wharves and docks, so that they shall not extend into the Saginaw river beyond a certain line, to be established by the council, and to prohibit the encumbering of all public wharves and docks with boxes, carriages, carts, sleighs, sleds, or other vehicles, dray, or anything whatsoever ;

Regulation of wharves and docks.

*Fourth,* To provide for the draining of any swamp, marsh, wet or low lands in said city, or within the dis-

Drainage of wet lands.

tance of three miles therefrom, by the opening of ditches ;

Fire limits.

*Fifth*, To prohibit and prevent the location or construction of any wooden or frame house, store, shop or other building, on such streets, alleys and places, or within such limits in said city as the council may from time to time prescribe ; to prohibit and prevent the removal of wood or frame building, from any part of said city to any lot in such streets, alleys and places, or within said limits, and the rebuilding or repairing the same ; to prevent the rebuilding or repairing of wooden buildings, on said streets, alleys, and places, or within said limits, when damaged by fire or otherwise ;

Regulation of buildings within.

Inspectors of weights and measures.

*Sixth*, To appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed and gauged ; to prescribe and regulate their powers and duties, fees and compensation ;

Paupers.

*Seventh*, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in vessels, or in other mode, to said city, from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor ;

Public buildings.

*Eighth*, To erect and provide for the erection of a city hall, and all needful buildings and offices for the use of the corporation or of its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same ;

Public peace.

*Ninth*, To prevent vice and immorality, to preserve public peace and good order, and to prevent and quell riots, disturbances, and disorderly assemblages and conduct ;

Disorderly and gaming houses.

*Tenth*, To restrain and prevent disorderly and gaming houses, and houses of ill fame, the holding, keeping, or using of all instruments and devices used for

gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables or bowling alleys ;

*Eleventh*, To prevent the vending or giving away of spirituous or fermented liquors, and to license and regulate the sale thereof, whenever such sales shall hereafter be authorized by the law of this State ; Licensing and sale of spirituous liquors.

*Twelfth*, To apprehend, restrain and punish all drunkards, vagrants, mendicants, street beggars, prostitutes, and persons soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct ; Drunkards, vagrants and prostitutes.

*Thirteenth*, To prohibit and prevent, or license and regulate the public exhibition by itinerant persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind, and to revoke said license at pleasure. Public exhibitions.

*Fourteenth*, To prohibit, prevent, abate, and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter-house, stable, privy, hog pen, sewer, or other offensive house, or place, to cleanse, remove or abate the same, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city ; Nuisances.

*Fifteenth*, To direct and regulate the location and maintenance of all slaughter-houses, markets, and buildings for storing gunpowder, and other combustible substances, and prohibit or regulate the buying, selling, keeping for sale, storing, and transporting gunpowder, naphtha, saltpeter, benzine, benzole, petroleum, kerosene oil, fire-crackers, fire-works, and all other combustible substances, and the using there. Regulation of slaughter houses, gunpowder, etc.

of, the use of lights in barns, stables, and other buildings, and the making of bonfires ;

Obstruction of streets.

*Sixteenth*, To prevent the incumbering or obstructions of streets, side or crosswalks, lanes, alleys, bridges, wharves or slips, in any manner whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions ;

Immoderate riding or driving.

*Seventeenth*, To prevent immoderate riding or driving in any street, to compel persons to fasten or secure their horses, or other animals while standing in any of the streets, lanes or alleys of the city, and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood, or other obstructions ;

Clearing of sidewalks.

Regulation of dogs.

*Eighteenth*, To prevent and regulate the running at large of dogs ; to impose taxes for the keeping of dogs ; to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance ;

Regulation of railroads.

*Nineteenth*, To restrain and regulate the use of locomotives, engines and cars upon the railroads within the city, and to determine, designate, or cause to be changed the routes and grades of any railroad now in, or hereafter to be laid in any street in said city ;

Indecent exhibitions or conduct.

*Twentieth*, To prohibit and prevent any indecent exposure of the person ; the show, sale, or exhibition of any indecent or obscene books, pictures or pamphlets, and all indecent or obscene exhibitions or shows of any kind, and all indecent, immoral, profane, or disorderly conduct or language, and to prohibit or regulate the bathing in any public waters within or adjoining said city ;

Bathing.

Pounds.

*Twenty-first*, To establish, regulate, and maintain one or more pounds, and to restrain and prevent or

regulate the running at large of horses, cattle, swine, or other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred, and the cost of keeping and impounding ;

*Twenty-second,* To prevent every species of gaming, and to prevent the violation of the Sabbath, and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose ;

Gaming and violation of the Sabbath.

*Twenty-third,* To protect and regulate all cemeteries or grave-yards within the city, and all such without the limits of said city, as such corporations may acquire, and to regulate the burial of the dead, and the keeping of bills of mortality ;

Grave yards.

Bills of mortality.

*Twenty-fourth,* To prohibit the bringing or depositing within the limits of said city any dead carcasses, or other unwholesome or offensive substance, and to provide for the removal or destruction thereof, where-soever found ;

Removal of offensive substances.

*Twenty-fifth,* To lay out, establish, make, alter, and regulate market places and public parks or grounds, and regulate the measuring and selling of fire-wood, and the weighing and selling of hay, and the selling of meats, vegetables, fish, fruits, and provisions of all kinds ;

Regulation of public places and sale of provisions.

*Twenty-sixth,* To regulate the setting of awning or other posts, and to direct and regulate the planting of shade or ornamental trees in the streets or other public grounds, and to provide for the preservation of the same.

Awning, shade trees, etc.

*Twenty-seventh,* To provide for calling of meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as is in herein otherwise provided ; but the compensation of no officer fixed by

Meetings of electors.

Compensation of officers.

- an annual or periodical salary, shall be increased or diminished during the term for which he was elected or appointed, unless by a three-fourths vote of the council; to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the council shall deem reasonable, and to prescribe, fix, determine, and regulate the powers and duties of all officers of the city, subject to the provisions of this act ;
- Regulation of fees and costs.**
- Duties of city officers.**
- Establishment of boundaries.** *Twenty-eighth,* To survey, ascertain, and establish the boundaries of the city, and all highways, streets, avenues, lanes, alleys, parks, squares, and spaces in said city; to prohibit and remove all encroachments upon the same, in any manner, and to number the buildings ;
- Licensing of hotels, saloons, etc.** *Twenty-ninth,* To license and regulate the keeping of hotels, taverns and other public houses, groceries, and keeping of ordinary saloons, and victualing and other houses, or places for furnishing meals, food or drink, and to regulate and restrain the keepers of billiard tables and bowling alleys ; also to license and regulate or prohibit auctioneers, hawkers, peddlers and pawn-brokers, and to regulate auctions, hawking, and pawn-brokerage ;
- Licensing of butchers, draymen, hackmen, etc.** *Thirtieth,* To license and regulate butchers, and keepers of shops, stalls and stands for the sale of meats, vegetables, and provisions of all kinds, and all draymen, common teamsters, hackmen, and all persons who carry or transport persons or property for hire ; to designate stands for all carriages, carts or drays used in carrying persons or property for hire, and prescribe their fare and compensation ;
- Weights and measures.** *Thirty-first,* To regulate the weights and measures used in the city ; to appoint one or more sealers of weights and measures, and prescribe the duties and powers thereof, and the penalty for using false weights

and measures, not conforming to the standard as established by the laws of this State ;

*Thirty-second,* To assess, levy and collect taxes for Taxes. the purposes of the corporation upon all property made taxable by law for state purposes, which taxes shall be a lien upon the property taxed until paid ; to appropriate money, provide for the payment of the debt and expenses of the city, and make regulations concerning the same ;

*Thirty-third,* To punish all offenders for violations of, or offenses against this act, or any by-law or ordinance of the council, adopted or passed under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines and costs, and by imprisonment in the jail of Bay county, or any jail, prison, or work-house of said city, or by either, in the discretion of the court or magistrate before whom such conviction may be had. If only a fine be imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. All punishment for offenses against the ordinances of the council, shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars, and no imprisonment shall exceed one year ; Punishment of offenders.

*Thirty-fourth,* To employ all persons confined for the non-payment of any fine, penalty, forfeiture, or costs or for any offense under this act, or any ordinance of the council, in any jail, work-house, or prison, at work or labor either within or without the same, or upon any street or public work under the control of the council ; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work and labor, and to fix and value the price of such work and labor. Employment of prisoners.

Power to make  
by-laws and or-  
dinances.

The said council shall have power to make all such other by-laws, ordinances, and regulations as they deem necessary for the safety and good government of the city, and to preserve the health and to protect the persons and property of the inhabitants thereof.

Public ceme-  
tery.

They shall also have power to purchase, for the use of the city, so much land without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city.

Regulation of  
fire department

SEC. 11. The council shall have power to make all such by-laws and ordinances as they shall deem necessary and proper to secure said city and the inhabitants thereof against injuries by fire; to compel the owners or occupants of buildings to procure and keep in readiness such number of fire buckets as they may direct; to establish, maintain, and regulate all such fire-engine, hook and ladder, and hose and bucket companies as they may deem expedient; to construct reservoirs, and provide such companies with necessary and proper building, engines, and other implements, to prevent and extinguish fires; to appoint from among the inhabitants of said city such number of persons, not exceeding forty to one company, as are willing to accept, or as may be deemed proper to be

Powers of fire  
companies.

employed as firemen; and every such company shall have power to appoint its own officers, and to pass by-laws for its organization and government, subject to the approval of the council; and to impose and collect such fines for the non-attendance or neglect of duty of its members as may be deemed necessary and proper; and every person belonging to such company shall annually obtain from the recorder a certificate, which shall be *prima facie* evidence of his membership for one year from the date thereof. Every member of such company, during his membership, shall be

exempt from service on juries, from military duty in time of peace, and from payment of a poll tax.

SEC. 12. It shall be the duty of each company to keep in good order and repair its fire-engine, hose, ladder, and other implements; to assemble at least once in each month for the purpose of working its engine; and upon any alarm or breaking out of fire within said city, each company shall forthwith assemble at the place of such fire, with its fire-engine and implements, and be subject to the orders of the chief of the fire department.

Duties of fire companies.

SEC. 13. Upon the breaking out of any fire in said city, the chief of police shall immediately repair to the place of such fire and aid and assist as well in extinguishing the fire as in preventing any goods or property from being stolen or injured, and in protecting, removing, and securing the same, for which purpose, as chief of police, he may require and compel the assistance of all bystanders; and in the performance of his said duties, the chief of police shall in all respects be subject to the order of the mayor or such of the aldermen as may be present.

Fires—duties of chief of police at.

SEC. 14. The council shall have power and it shall be their duty to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous avocations in the limits of said city; to establish a board of health, to invest it with such powers and to impose upon it such duties as shall be necessary to secure the inhabitants of said city from contagious, infectious, or malignant diseases; to provide for its proper organization and for the appointment of proper officers; and they shall have authority to make all such by-laws and regulations for the government of such board of health and for the preservation of the health of the inhabitants of said city as shall insure a prompt

Public health—regulation of by the council.

Board of public health.

and efficient discharge of the duties imposed upon the council by this act.

Streets—powers  
to regulate.

Grading, grav-  
eling, etc.

Vacating and  
altering.

SEC. 15. The council shall have power to regulate the times and manner of working upon the streets, lanes, and alleys in said city ; to provide for the grading, graveling, paving, planking, macadamizing or otherwise improving the streets of said city, and to provide for the constructing, repairing of sidewalks in said city and to establish the grades thereof ; to lay out, open, make, grade and repair streets, lanes, and alleys, and the same to alter and vacate, and to alter or vacate those already laid out: *Provided*, That before any street, lane or alley shall be vacated or altered, the person or persons applying therefor shall give public notice, specifying the time and place at which such application will be made, by causing the same to be published in the official newspaper for three successive weeks, or by personally serving upon each owner residing in said city, or occupant of any lot or part of any lot contiguous to said street or alley proposed to be altered or vacated, a copy of such notice. Upon the hearing of such application, all parties in interest shall be entitled to be heard in person or by counsel, and no street or alley shall be vacated except upon sufficient cause shown and with the concurrence of three-fourths of the aldermen elect : *And provided further*, That when any street or highway has been once graded, leveled, paved or covered with broken or pounded stone or other material, and the grade line thereof established, the said council shall not change or alter the grade line of said street or highway unless they shall have first been petitioned so to do by a majority of all the property owners on said street or highway. The council shall have the power to regulate the use of all public highways, streets, avenues and alleys of the said city, subject to

the rights of travel and passage therein. Whenever it becomes necessary, in laying out or opening any such highway, street, avenue, lane or alley to take private property for that purpose, the same shall be done in the manner hereinafter provided.

Proceedings to take private property for streets.

SEC. 16. The council of said city shall have the power to establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials and under such regulations as they may deem proper for the drainage of the city, and may regulate and maintain those already constructed.

Construction of sewers and drains.

SEC. 17. The expense of paving, macadamizing, planking, or covering with broken or pounded stone, including the grading preparatory thereto of any street, the expense of constructing any main or lateral sewer, and the expense of constructing any sidewalk, shall be assessed upon the lots and premises specially benefited thereby, according to the benefits derived therefrom; and the council may provide that lots and premises so assessed for the paving of any street shall be exempt from the payment of any highway tax for a period of eight years, and property so assessed for the planking of any street shall be exempt from the payment of any highway tax for a period of four years.

Assessment of premises for paving, planking streets, etc. and construction of sewers.

Exemptions.

SEC. 18. The council shall be the judge of the election and qualifications of its own members, and shall have the power to determine contested elections, to determine the rules of its proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business, and not inconsistent with the provisions of this act.

Qualification of members.

Contested elections.

Council to be judges of.

SEC. 19. All appointments to office shall be made, and all assessments be ordered by a majority vote of all aldermen elected; and removals from office shall be

Appointments to and removal from office and assessments.

made by a like vote, except in cases when by this act a different vote may be required.

New bonds—  
when to be fur-  
nished.

SEC. 20. The council may, at any time, require an officer, whether elected or appointed, except judicial officers, to execute and file with the recorder of the city, new official bonds in the same or in such further sums, and with new and such further securities as said council may deem requisite for the interests of the corporation.

Meetings of  
records of pro-  
ceedings of  
council.

SEC. 21. All meetings of the council shall be public, and it shall cause to be kept a manuscript record of its proceedings, which shall be signed by the mayor and recorder, which with all other records of said city, shall be open to public inspection at reasonable times.

Ordinances—  
when to have a  
two-thirds vote

The concurrence of a majority of all the aldermen elect shall be necessary to pass any ordinance, and no ordinance granting rights, privileges, or franchises to any person or corporation shall be adopted, amended, or repealed, without the concurrence of two-thirds of all the aldermen elect.

Poll tax.

SEC. 22. The council shall have power to assess and collect from every male inhabitant of said city, over twenty-one and under fifty years (except paupers, idiots, lunatics, and all others by law exempt), an annual capitation or poll-tax not exceeding one dollar, and they may provide by their by-laws or ordinances for the collection of the same; and the money raised by such poll-tax shall be expended under the direction of the council.

Duties of town-  
ship board,  
when to be per-  
formed by coun-  
cil.

SEC. 23. The council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships in this State in reference to school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, justices of the peace,

recorder, director of the poor, and all other officers of said city, who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties and receive the same pay, and in the same manner, and be subject to the same liabilities as is provided for the corresponding township officers, except as it is otherwise provided in this act or as may be prescribed by ordinance.

Officers to take oaths, etc.

SEC. 24. The style of all ordinances of the council shall be, "It is hereby ordained by the common council of Bay City." And all prosecutions for offenses arising under this act, or any ordinance or regulation of the council, shall be in the name of Bay City.

Style of ordinances.

Prosecutions.

SEC. 25. For the purpose of defraying the expenses and all liabilities of the city, (except the bonded debt thereof and interest thereon), and paying the same, the council may raise annually by tax levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding two per cent. aside from the school tax, on the valuation of such real and personal estate within the limits of said city according to the valuation thereof, taken from the assessment roll for said year. If the council shall deem it expedient for the purposes of the city to levy a larger tax than is allowed by this section, they may, by giving ten days notice by publishing the same in the official newspaper published in said city, and by posting a notice thereof in each ward of the city in some public place therein, call a meeting of the inhabitants of said city at some place therein, who may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city in such sums as the meeting shall direct, and such tax shall be levied, assessed and collected in the same manner as is provided for the levying and collecting of other city taxes mentioned in

General taxation.

Extra tax, how raised.

Proviso. this act : *Provided*, That no person shall vote at such meeting who is not a property-holding tax-payer in said city.

General tax laws, when to apply.

SEC. 26. The provisions of the general tax law of the State of Michigan, being entitled "An act to provide for a uniform assessment of property and return of taxes thereon," approved April 6th, 1869, being act number 169 of the session laws of 1869, the same being chapter 8 of the compiled laws of 1871, and the acts amendatory thereof, and all other provisions of the general statutes of the State upon the subject of taxation as they now exist or may hereafter exist, shall apply to and govern in the assessment and collection of the general taxes in said city, and in the return and sale of property delinquent therefor (except as herein otherwise provided), shall also apply and govern in respect to the powers, duties and liabilities of officers, and the rights, duties and liabilities of persons and property touching and concerning such taxes, and shall have the same force and effect in said city as in the several townships of this State, so far as the same may be applicable, except as herein otherwise provided. The following sections of the compiled laws, viz. : 984, 985, 986, 987, 991, 992, 995, 1002, 1003, 1007, as numbered at large, being sections 18, 19, 20, 21, 25, 26, 29, 36, 37, and 41 of said act, the title of which is given in this section, do not apply to said city, or to the assessment or collection of taxes therein.

Comptroller—duties and powers of.

SEC. 27. The comptroller shall be the assessor of the city for all purposes of taxation. As such assessor he shall possess all the powers, discharge all the duties and be subject to all the liabilities in, for, and to the city, that are conferred and imposed upon supervisors in townships by the provisions of the acts mentioned and referred to in the preceding section in relation to the assessment and taxation of persons and property, so

far as the same may be applicable, and except as herein otherwise provided. He shall in each year prepare a general assessment roll for the city, and complete the same for the time hereinafter fixed for the first meeting of the board of review in each year.

SEC. 28. For the purpose of better enabling the comptroller to prepare such assessment roll, it shall be the duty of each taxable person, when called upon by the comptroller, to forthwith make and deliver to said comptroller a full and true statement of the taxable property belonging to him, according to the provisions of the statute in such case made and provided. In every case where any person shall neglect or refuse to make out and deliver the statement of his personal property, moneys, and credits, the said comptroller is hereby authorized to examine on oath the person so refusing, and any other person or persons he may see fit in relation to the property and credits of such person.

Statements of taxable property to be delivered to comptroller.

SEC. 29. The comptroller shall set down in the general assessment roll the name of each resident person liable to be taxed in said city, and also a full description of his real estate, the number of acres in each tract or parcel, as near as may be (except as otherwise provided by section 989 of the compiled laws), the value of each tract, lot or parcel, and the aggregate value of the personal estate of such person liable to be taxed in said city. The money upon which such person pays interest, together with his other *bona fide* indebtedness, shall be deducted from his money at interest and other credits. The comptroller shall also set down in said roll the name of any other person liable to be taxed for personal property within said city and the value of such personal property. All land in said city not occupied and not claimed to be owned by any resident of the city may be assessed as non-

Assessment roll how made.

resident lands, and it shall be the duty of the comptroller to enter the same on a part of the roll, separate from that upon which the estates of residents are entered. When real estate is occupied it may be assessed to the occupant, or supposed owner, or person exercising control over the same. When a person is assessed as a trustee, guardian, executor, or administrator, a designation of his representative character may be added to his name, and such assessment shall be entered on a separate line from his individual assessment. The comptroller, in making such assessment roll, and the board of review in revising and correcting the same, shall estimate all property at its true cash value, as defined in section 979 of the compiled laws. Two weeks before the time hereinafter fixed for the first meeting of the board of review in each year, the comptroller shall cause a notice of the time and place of such meeting to be given by publishing the same for two successive weeks in the official newspaper, and by posting the same in each ward of said city.

Board of review  
—how constituted.

SEC. 30. The board of review shall consist of the comptroller, the members of the board of public works, and the city attorney, three of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. Said board shall meet on the first Monday after the fifth day of July, at the council chamber in said city, at which time the comptroller shall submit to said board the said general assessment roll. During the week commencing on said day, said board may of their own motion revise said assessment roll, and may increase or diminish valuations therein, add the names of persons and descriptions of property improperly omitted from said roll, and affix the valuations of such property, and they shall correct all errors and supply all

Meetings and  
duties thereof.

deficiencies found therein. Said board of review shall meet on the second Monday after the said fifth day of July at the same place, and upon the request of any person, his agent or attorney, considering himself aggrieved, on sufficient cause being shown, may reduce the assessment in such amount as to said board shall appear just and equal ; they may examine on oath any person touching the matter. After the expiration of the first week, during which said board is required to sit, it shall have no power to make any change in said roll, except as in this section otherwise provided. Said board shall continue in session at least three days during said second week and as much longer as may be necessary. Any member of said board may administer an oath and examine witnesses in relation to the matters requiring investigation before said board ; said board shall keep a record of its proceedings in reducing or increasing the valuation of any property assessed upon such roll.

SEC. 31. After said board of review shall have completed the revision of said roll, said comptroller shall endorse and sign a statement upon said roll to the effect that the same is the general assessment roll of said city for the year in which it has been prepared, as approved by the board of review ; said statement may be in the following form, viz :

Endorsement  
of roll by com-  
ptroller.

"General assessment roll of Bay City for the year 18—, as approved by the board of review.

Dated

E———. F———.

Comptroller."

Upon the completion of said roll, and the endorsement of the same in manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and to have been made according to law ; the comptroller shall then cause a copy thereof to be

Presumption as  
to validity of.

City and county roll.

made, and such copy shall be used and known as the county tax roll, and said original assessment roll may thereafter be used and known as the city tax roll.

Amount of tax to be raised, when to be directed by the council.

SEC. 32. On or before the 20th day of July in each year the council shall by resolution direct the amount of money to be raised by tax in said city for the current year for city, highway and other purposes, not exceeding the amount the council is authorized by section 25 to raise for such purposes, and in like manner before said 20th day of July the board of education of the union school district of said city shall by resolution declare the amount of money necessary to be raised by tax for the current year for school purposes, and the council shall direct the same to be assessed on said city tax roll for the current year. The board of supervisors of Bay county shall have no power to direct the amount to be raised in said city upon the city roll for city and school purposes. The one-mill tax now required to be raised in townships by law shall not be hereafter assessed or raised in said city.

School taxes—when to be raised.

One mill tax—not to be raised

Assessment of tax, by comptroller.

SEC. 33. Said comptroller shall add together the several amounts directed to be raised under the provisions of section twenty-five, and proceed to assess a tax upon said city tax roll for the total amount thereof, and so in like manner the comptroller shall proceed to assess a tax upon said roll for the amount ordered to be raised for school purposes, according and in proportion to the individual and particular estimate and valuation specified in said roll, entering the said school tax in one column to be headed "school tax," and the other of said taxes in another column to be headed "city taxes." For the purpose of avoiding fractions in excess of said amounts the comptroller may add thereto not more than one per cent. on the amount to be raised. Said excess shall be paid into and belong to the contingent fund of the city. The

taxes assessed upon each valuation shall be extended and added together in the last column of said roll upon the right hand side of the page opposite each valuation.

SEC. 34. To such city tax roll the comptroller shall annex a warrant signed by him commanding the treasurer to collect from the several persons named in said roll the several sums mentioned in the last column in said roll opposite their respective names, and to retain the same in his hands for the purposes therein specified, and to return said roll to said comptroller on the first day of November next following. Said warrant may be in the following form :

Warrant to be annexed to roll by comptroller.

"To the Treasurer of Bay City :

You are hereby commanded to collect from the several persons named in the said roll the several sums mentioned in the last column in said roll opposite to their respective names, and to retain the same in your hands for the following purposes :

For city funds,	\$
For school funds,	\$
For highway funds, First ward,	\$
"        "        "    Second ward,	\$
"        "        "    Third ward,	\$
"        "        "    Fourth ward,	\$
"        "        "    Fifth ward,	\$
"        "        "    Sixth ward,	\$
"        "        "    Seventh ward,	\$

You are further commanded to return said roll to me on the first day of November next.

Dated,

E—— F——,

Comptroller."

Said city tax roll and warrant shall be delivered to said treasurer on or before the 20th day of August.

City tax roll—when to be delivered to treasurer.

SEC. 35. The treasurer shall forthwith cause notice

Notice by treasurer to persons assessed.

to be served upon or mailed to each person whose name appears upon said roll, notifying him that said city tax roll is in the hands of said treasurer; that a tax assessed thereon against such person is due, and that if said tax is not paid on or before the 30th day of September then next ensuing, interest will be added thereto at a rate of three-fourths of one per cent. a month or fraction of a month thereafter until paid. Said notice may be in the following form :

Notice.

To N—— B—— :

Take notice that the city tax roll of Bay City, for the year 18—, is now in the hands of the treasurer of said city ; that a tax assessed thereon against you is now due ; that if said tax is not paid on or before the 30th day of September, instant, interest will be added thereto at the rate of three-fourths of one per cent. a month or fraction of a month thereafter ensuing before the payment of said tax.

Yours, etc.

C—— D——,

Treasurer.

Tax when collected by distress and sale.

In case any person named in said roll shall refuse or neglect to pay any tax imposed on personal or real estate belonging to him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person wherever the same may be found within the county of Bay, and thereupon the treasurer shall possess all the powers, be subject to all the duties conferred and imposed by sections 1009 and 1011 of the compiled laws.

Interest on unpaid taxes.

SEC. 36. Upon all taxes unpaid after the 30th day of September, interest shall be computed at the rate of three-fourths of one per cent. for each month or fraction of a month that shall elapse after said 30th day of September down to the time of payment, *e. g.*, if a tax remains unpaid after said 30th day of Septem-

ber and is paid any time during the month of October, three-fourths one per cent. will be added and collected. Such interest shall become a part of said tax and both tax and interest shall be collected by said treasurer in the same manner and at the same time.

SEC. 37. When a tax assessed upon any tax roll is paid, or collected by the treasurer, he shall give a receipt therefor and shall write the word "paid," upon such roll opposite thereto, and shall also indicate upon said roll opposite the tax, the amount of interest collected. If the tax upon any particular description of land upon said roll shall be paid only on a part of the land, or upon an undivided interest therein, that fact shall be fully stated upon said roll so that it may by inspection of the roll, be readily determined upon what part or interest the tax has been paid, and upon what part or interest it has not been paid.

Receipt for  
taxes paid.

SEC. 38. Within two days after the return day mentioned in said warrant, the treasurer shall return said roll to the comptroller. If the entire tax upon the city roll shall not be collected by the treasurer, the moneys collected shall be first applied to fill city fund and school fund, apportioning the same ratably between the two funds, the remainder, if any, shall be appropriated ratably between the several ward highway funds, according to the amounts mentioned in the warrant. The county tax roll hereinbefore mentioned shall be treated and regarded as the assessment roll of Bay City, in connection with the matter of the equalization of assessment rolls by the board of supervisors, and for all the purposes of assessing the county and State taxes apportioned to the city.

Return of roll  
to comptroller.

Application of  
taxes collected.

County roll —  
when to be  
treated as city  
roll.

SEC. 39. The clerk of the board of supervisors of Bay county shall, immediately after the apportionment of the State and county tax by the board of supervisors at its annual session, as provided in section

Certificate of  
assessment of  
state and coun-  
ty taxes.

Assessment of  
state and coun-  
ty taxes.

Interest on un-  
paid city taxes.  
How assessed  
after return of  
roll.

Unpaid local  
taxes, how as-  
sessed.

Taxes — how  
entered on  
county roll.

nine hundred and ninety-seven of the complied laws, make out a certificate of the amount apportioned to be assessed therefor, upon the property of the city, and deliver the same to the comptroller. The comptroller shall proceed to assess taxes for the same, upon the "county tax roll," in the manner hereinbefore provided, for the assessment of the taxes on the city tax roll, except as herein otherwise provided.

SEC. 40. If any tax assessed upon the city tax roll against any person, or upon any property, real or personal, shall remain unpaid at the time of the return of such city tax roll to the comptroller, the comptroller shall compute interest upon the school tax and the city taxes separately, at one and one-half per cent., and add to each such school tax and city taxes the amount so computed upon each respectively, and enter and assess the amount thereof upon said county tax roll, opposite to and against the same person and property. So in like manner, if any tax assessed upon any local tax roll against any person, or upon any property, real or personal, shall remain unpaid at the time of the return of such local roll to the comptroller, the comptroller shall compute the interest due upon such tax up to the return day mentioned in the warrant annexed to such local tax roll, as provided in Sec. 56 of this act, and the amount of such tax and interest thereon shall be added to the other city taxes to be assessed upon the county tax roll, against the same person or upon the same property. The different taxes to be assessed upon said county tax roll, shall be entered in different columns, as follows: The State tax in a column headed "State tax," county tax in a column headed "county tax," the school tax in a column headed "school tax" and all other taxes of whatever name and nature in a column headed "city tax."

SEC. 41. The comptroller shall deliver the county

tax roll, with his warrant attached, to the treasurer on or before the first Monday of December; said warrant shall be under the hand of the comptroller, commanding such treasurer to collect from the several persons named in said roll the several sums mentioned in the last column of such roll opposite their respective names, and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes on or before the first day of February, then next ensuing. All the taxes to be collected upon said county tax roll and which are to be retained by the treasurer, shall in said warrant be classified as funds raised for city, school and other purposes, and it shall not be necessary to state in said warrant the particular purpose for which they were raised. Such warrant may be in the form given in section 34 of this act, except as herein otherwise provided.

County roll —  
when delivered  
to treasurer.  
Warrant at-  
tached to same.

Taxes. How  
classified in  
warrant.

SEC. 42. Upon receiving said county tax roll and warrant, said treasurer shall forthwith cause notice to be served upon or mailed to each person whose name appears upon said roll, notifying them that said county tax roll is now in the hands of said treasurer; that a tax assessed thereon against such person is now due and that if said tax is not paid on or before the 31st day of December, then next, interest will be added thereto at the rate of three-quarters of one per cent. a month or fraction of a month; said notice may be in the form prescribed in section 35 of this act, except only the title of the roll and the date from which interest is to be computed. The treasurer shall possess the same power and be charged with like duties under and in respect to the county tax roll, and warrant thereto annexed, as is prescribed in respect to

Notice to per-  
sons assessed  
on county roll.

Contents there-  
of.

Powers and  
duties of treas-  
urer relative to  
said roll.

the city tax roll and warrant thereto annexed, and he shall also possess all the powers, be subject to all the liabilities, discharge all the duties prescribed by law for township treasurers in respect to the collection of taxes, the paying over and accounting for moneys received for taxes, the return to the county treasurer of property delinquent for taxes, and in respect to all other matters pertaining to the subject of taxes and taxation, except as herein otherwise provided.

Interest on unpaid taxes, how collected.

SEC. 43. Upon all taxes unpaid after the 31st day of December interest shall be computed at the same rate, added to the tax, and collected by the treasurer in the same manner as is provided by section 36, in respect to taxes assessed upon the city tax roll.

Extension of time for collection of taxes and making returns.

SEC. 44. The board of supervisors of Bay county or the common council, shall have power to extend the time for the collection of taxes on said county tax roll, and for making returns thereon in the manner and to the extent now provided by law.

Application of money by treasurer.

SEC. 45. The money collected by the treasurer upon the county tax roll shall be applied to fill, first, the city, school, highway, and other city funds; second, the State and county funds.

Taxes on roll, how charged and credited.

SEC. 46. The comptroller, at the time of delivering any tax roll to the treasurer, shall charge the amount of taxes assessed thereon to the treasurer, and when such roll shall be returned the treasurer shall be credited with the amount of tax remaining delinquent.

Interest to be credited ratably to fund.

The interest collected by the treasurer, shall be credited by the comptroller ratably to all the funds mentioned in the warrant annexed to such roll. The treasurer

Treasurer to be member of b'd of supervisors.

shall be a member of the board of supervisors of Bay county, and shall be entitled to the same compensation for attending said board of supervisors as is allowed by law to the other members of said board, and to be paid in the same manner.

SEC. 47. No public square, park, or other public ground, and no property owned by the city or union school district of said city shall be assessed for any tax or assessment whatever, except for local taxes and improvements and for such taxes and improvements, such property shall be assessed in like manner as the property of private individuals.

Public property  
—when taxed

SEC. 48. All moneys drawn from the treasurer (except school funds), shall be drawn in pursuance of an order of the council by warrant, signed by the recorder and countersigned by the comptroller. Such warrant shall specify for what purpose the amount named therein is to be paid, and the comptroller shall keep an accurate account under appropriate heads of all warrants countersigned by him, and the treasurer shall in like manner keep an accurate account of all warrants paid by him. Said books shall be open to the inspection of any elector of the city at all reasonable hours. The treasurer shall exhibit to the council at their last regular meeting in the month of March, and at such other times as the council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury which account shall be referred to a committee for examination, and if found correct shall be filed. The comptroller shall render statements of the accounts of the city appearing upon his books whenever required by the council.

Moneys — how  
drawn from  
treasury.

Warrant— what  
to contain.

Accounts to be  
kept by comp-  
troller and trea-  
surer.

Treasurer to ex-  
hibit account to  
council.

Comptroller to  
render state-  
ments

SEC. 49. Whenever the council shall order the construction of any main or lateral sewer, the planking, paving, macadamizing or the covering of any street with broken or pounded stone, the expense whereof is by this act made a charge upon the property specially benefited thereby, they shall order the work to be done and designate the place where it is to be performed, and the council may give such other directions

Construction of  
sewers and pa-  
ving, etc., of  
streets—how  
ordered.

about said work as they may deem best.

Board of public  
works — duties  
in relation  
thereto.

SEC. 50. Whenever the council shall order the performance of such work the board of public works shall proceed forthwith to estimate the cost of such work, and may cause surveys, plans, and specifications to be made, and report the same to the council with such other recommendations as they may deem advisable.

Comptroller to  
prepare local  
tax roll

What to con-  
tain.

As soon as the cost of such work shall be estimated by the board of public works, and approved by the council, the comptroller shall prepare a tax roll in which roll he shall set down the description of all the lands and premises he deems to be specially benefitted by the proposed work. If any such lands and premises are known to the comptroller to be occupied or owned by a resident of the city, the comptroller shall place the name of such occupant or owner opposite to the description thereof upon such roll.

Board of public  
works to revise  
and correct roll  
Notice of meet-  
ing of board.

SEC. 51. Upon the completion of such roll the comptroller shall place the same before the board of public works. The said board shall revise and correct the said roll, supply any deficiencies and make any changes it deems best. The comptroller shall thereupon cause notice to be given of time and place, when and where the board of public works will meet to hear and decide upon objections which may be made to said roll by persons deeming themselves aggrieved thereby; such notice may be addressed to the persons whose names appear upon said roll and to all others interested therein; it shall describe generally the character of the work for which the tax is levied, and the place where the work is to be done. The following form of said notice may be used:

#### NOTICE OF SPECIAL ASSESSMENT.

Form of notice.

To A—— B——, C—— D——, and to all other persons interested:

Take notice, that the board of public works of

Bay City will meet at the office of the comptroller of said city on the ——— day of ———, 18—, at ——— o'clock —. M., to hear and decide upon all objections which may be made by persons deeming themselves aggrieved by a local tax about to be assessed for the purpose of paying the cost of [*e. g.*, constructing a side-walk on the east side of Washington street, between Center street and Sixth street, in said city,] [or constructing a sewer on Fifth street, between Washington street and the Saginaw river] [or of paving Water street between Third street and Twenty-third street.]

Signed,

E—— F——,

Comptroller.

SEC. 52. The comptroller shall cause such notice to be published in the official newspaper for two weeks preceding the time fixed for such meeting, and to be posted in the council room, and in or near each post-office of said city, and near the site of said proposed work in some public and conspicuous place. At the time and place appointed therefor, or at such other time and place to which said board may adjourn, the said board shall sit and hear any objections to said assessment which may be made by any person deeming himself aggrieved thereby, and shall decide upon the same. Any member of said board shall have power to administer an oath, and to examine witnesses in relation to the matters involved in such objection. Said board, upon cause shown, may at the time of said meeting diminish or correct any assessment or description appearing upon said roll, provided however, that if the amount assessed upon said roll against any description of property shall be diminished, the amount of such diminution shall be divided and added ratably to all the assessments upon said roll. They shall con-

Notice to be posted and published.

Board to hear objections.

Power to administer oaths and examine witnesses.

Power to correct roll.

Time of session  
Indorsement by  
comptroller.

tinue in session for at least one day, and for such longer time as may be necessary. After the said board shall have reviewed and approved said assessment roll, the comptroller shall indorse thereon the words "local tax roll for, [*e. g.*, paving Water street between Sixth street and Tenth street], [*or e. g.*, sidewalk on south side of Twenty-third street between Water street and Broadway, as the case may be,]" as approved by board of public works, [*e. g.*, July fifteenth, eighteen hundred and eighty, affixing time].

Date.

E—— F——,

Comptroller.

Roll to be prima facie evidence when endorsed.

Said roll when so indorsed shall be *prima facie* evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof, and of the validity of said tax and tax roll.

Warrant to be annexed by the comptroller.

SEC. 53. After the tax roll shall be so approved, the comptroller shall annex thereunto a warrant directed to the treasurer of said city, substantially in the form following, viz :

Form of warrant.

To the Treasurer of Bay City :

You are hereby commanded to collect from the several persons named in the annexed tax roll, the several sums mentioned in the last column of said roll, set opposite their respective names, and to retain the same in your hands for the purpose of paying the costs of [*e. g.*, paving Water street from Third street to Twenty-third street], [*or as the case may be*].

Interest will be added and collected by you upon all taxes assessed upon said roll remaining unpaid after the —— day of ——, 18—, the same to be computed from the date as provided by law.

You are further commanded to make return of said

roll according to law on the first day of ———, 18—.

Dated

E———. F———.

Comptroller.

SEC. 54. Upon receiving the said roll and warrant, the said city treasurer shall proceed to collect of the several persons named in the roll the amount assessed against them thereon, as commanded by said warrant.

Treasurer to collect tax.

In case any person named in said roll shall neglect or refuse to pay his tax, it shall be the duty of the treasurer to levy the same by distress and sale of the goods and chattels of such person wherever the same may be found within the county of Bay. In the event of any property being seized by the treasurer as above provided, he shall proceed to advertise and sell the same, in the manner provided by law for the sale of chattels seized by the treasurer under a warrant annexed to a city tax roll.

Duty of treasurer to collect tax by distress and sale.

Advertisement and sale.

SEC. 55. Whenever any tax assessed upon such roll shall be paid, the treasurer shall give a receipt therefor and note the fact upon the roll as provided in section 37 of this act.

Receipt for tax

SEC. 56. The comptroller shall insert in said warrant the date from which interest is to be computed upon taxes delinquent after such date; the date shall, in every instance, be the last day of a calendar month, which is not to occur within thirty days after the time of the delivery of the warrant to the treasurer. The treasurer shall add interest to all taxes delinquent after the day mentioned in the warrant as therein directed. Such interest shall be computed at the rate of three-quarters of one per cent. for each calendar month, or fraction of a calendar month, which shall elapse between the date mentioned in that behalf in the warrant and the time of payment, *e. g.*, if the date fixed in such warrant be the last day

Interest on delinquent taxes.

How and when to be computed

of June, three-fourths of one per cent. interest shall added to and collected upon all taxes assessed in said roll paid during the month of July then next following, and one and one-half per cent. upon all taxes paid during the month of August then next following.

Roll — when to be returned.

SEC. 57. Within five days after the time fixed in said warrant for the return of said roll, the treasurer shall return the same to the comptroller. The comptroller, at the time of making out the next county tax roll, shall add any delinquent tax assessed upon such local tax roll against any particular parcel of real estate to the other city taxes to be assessed against the same parcel of real estate upon said county tax roll.

Delinquent tax to be added to county roll.

Council may set aside local roll

SEC. 58. The council may set aside any local tax roll at any time before the same is delivered to the treasurer and direct the making of another. In the event of the tax assessed upon a local tax roll proving insufficient to pay for the work for which it was assessed, the council may order a supplementary tax roll to be made out for the purpose of supplying such deficiency. Such supplementary local tax roll shall contain the names of the same persons and the same descriptions of property as are set down in the original local tax rolls made out for the purpose of collecting money to pay the costs of the public work in question. Said deficiency shall be taxed and assessed against each description of property upon such supplementary roll ratably, according to and in proportion to the amount assessed against the same description of property in such original roll.

Council may order supplementary roll.

What to contain.

Deficiency—how raised.

New roll, when how and by whom prepared

SEC. 59. Whenever a new local tax roll or a supplementary local tax roll shall be directed to be made in the manner hereinbefore provided, it shall be the duty of the comptroller to prepare the same, and thereupon the same proceedings shall be had, the same duties performed, and the same authority be possessed by

the comptroller, the board of public works, and the treasurer respectively, in respect to such new roll or supplementary roll as is herein provided respecting the original of such local tax rolls.

SEC. 60. The council may at any time stop any public work and change the plans thereof, and it may suspend the collection of any local tax by a two-thirds vote of all the aldermen elect.

Suspension of public work and collection of local taxes.

SEC. 61. The council shall have the supervisory control over the board of public works, the comptroller, treasurer, board of water works, firemen, city clerk, surveyor, street commissioner, and all other officers, agents and employees of the city.

Supervisory control of all public officers by council.

SEC. 62. Within thirty days after the passage of this act, the council shall appoint three persons—being tax-paying electors of said city—who, together with the comptroller, shall constitute a “board of public works;” one of the persons so appointed shall hold office until the first day of May, 1883, one of them until the first day of May, 1885, and one of them until the first day of May 1887. The council shall determine which of the persons appointed shall hold for the receptive terms. Upon the third Monday of April of each year, when the term of office of a member of the board of public works is to expire, the council shall appoint his successor, who shall hold office for six years; if the appointment shall not be made upon the said third Monday in April, the council may make the appointment at a subsequent meeting. The council shall fill all vacancies occurring in the membership of said board by appointment; the person so appointed shall hold for the unexpired term; any person appointed member of said board of public works shall hold office until his successor is appointed and qualified.

Board of public works — how constituted.

Term of office.

When to be appointed

Council to fill vacancy.

SEC. 63. No member of said board—other than the

Shall hold no  
other office, nor  
to be interested  
in contracts, etc

comptroller—during his term of office shall hold any elective office under the charter of said city, nor shall any member be personally interested, directly or indirectly, in any contract for any public improvement in said city, nor in the purchase, disposition, or sale of any material to be used or applied in or about any public works or improvement under the control or supervision of said board.

Duties of board

SEC. 64. Said board shall have the charge and management of the construction of all main and lateral sewers, of the planking, paving, macadamizing, and covering with pounded stone or other material of any street—the expense of which is by this act made a charge upon the property specially benefited thereby; of the erection of public buildings, and shall perform such other duties as the council shall direct; but said board shall not enter into any contract for making any public improvements unless authorized by the council, nor incur any indebtedness whatever beyond the amount appropriated by the council for that particular purpose.

Quorum of  
board.

SEC. 65. The majority of said board shall constitute a quorum for the transaction of business.

Contracts by  
board.

SEC. 66. All contracts made by said board shall be in the corporate name of the city, and shall be signed by the mayor and countersigned by the comptroller.

Powers of  
board in rela-  
tion to contracts

SEC. 67. Said board shall reserve the right in all contracts, to determine finally all questions as to the proper performance of such contracts, and as to the completion of the work specified therein, and in the case of dilatory, improper or imperfect performance thereof to suspend the work at any time; to order the partial or entire reconstruction of the same, if imperfectly done, or to re-let the work covered by such contract, or any unfinished portion thereof, whether from unreasonable delay in performing the work, or

other just cause, they shall deem such contract forfeited; and power is hereby given said board to determine all such questions arising under any such contract according to the true intent and meaning thereof. Said board shall reserve the right to reject any and all bids.

SEC. 68. The members of the board of public works shall be paid for the time actually employed in the discharge of their duties, a sum to be fixed by the council, not exceeding three dollars per day. Each of said members shall, before entering upon the duties of his office, execute a bond to the city, conditioned for the faithful discharge of his duties; such bond, to be given in the penal sum of five thousand dollars, shall be executed by one or more sufficient sureties, and be approved by the mayor. Any member of said board may be removed by a majority vote of all the members of the council elect, upon cause shown, and after having been afforded a reasonable opportunity to make a defense; and any member of said board may be removed by the mayor when requested by resolution of the council, adopted by a two-thirds vote of all the members elect. In such case it shall not be necessary to assign any reasons or give any notice. The vote of the council shall be taken by yeas and nays, and shall be entered at large upon the records thereof, but the provisions of this section shall not apply to the comptroller. The comptroller shall have the power to call a meeting of said board whenever he shall deem it necessary.

Compensation  
of members of  
board.

Members to  
give bond.

Removal of  
members.

Power of comp-  
troller to call  
meeting.

SEC. 69. Whenever the council shall order a public work to be performed and to be paid for by local tax assessed according to benefits, it may also direct that the same may be collected and paid in two equal instalments. In such case the warrant annexed to the local tax roll, made out in pursuance

Local tax may  
be collected in  
two install-  
ments.

Warrant in  
such case.

of such order, shall be made so as to command the treasurer to collect one-half of such tax on or before the first day of November in one year, and the remainder on or before the first day of November in the next ensuing year. If any portion of the first installment of such tax shall remain delinquent at the time when it should be paid, the treasurer shall return such roll to the comptroller within five days there-

Duty of comp-  
troller when  
first installm't  
delinquent.

after. The comptroller shall compute interest upon that portion of such installment so delinquent, and add such delinquent installment and interest to the city taxes to be assessed on the county roll for the current year, in the same manner, and with like effect, as is provided in section 56 in respect to delinquent taxes upon local tax rolls in other cases.

Second install-  
ment, when col-  
lected.

SEC. 70. During the month of July then next ensuing, the comptroller shall again deliver said tax roll to said treasurer, who shall proceed to collect the second of said installments. The same proceeding shall be had in respect to said second installment as are provided in respect to local taxes in other cases.

Official notice  
of acts, etc., of  
council, boards  
and officers.

SEC. 71. The comptroller, treasurer, board of public works and all other officers and boards of such city shall take notice officially of the acts and resolutions of the council and board of education, and said council and board of education shall in like manner take official notice of acts and resolutions of each other.

Action may be  
brought for  
uncollected tax

SEC. 72. If the treasurer shall not within the time allowed in his warrant collect the taxes assessed against personal property upon the county tax roll, an action may be brought therefor in any court of competent jurisdiction. Such action shall be brought under the direction of the city attorney in the name of the city. If personal service of process cannot be obtained upon the person bound to pay such tax within the county of Bay upon filing an affidavit showing

Service of pro-  
cess.

the nature of the claim and that such service cannot be obtained, an attachment may issue as in civil cases against the lands and tenements, goods and chattels of such person. All subsequent proceedings in such action shall be conducted as in other civil cases, commencing by writ of attachment. Such action may be brought in any county when personal service of process can be obtained upon the defendant, or any one of them, if there be more than one. The court before whom said action may be tried shall have power to issue process to enforce the collection of any judgment rendered therein, the same as in other civil cases. The city shall not be bound to give any bond in order to obtain the issue of a writ of attachment in the action or upon any appeal, writ of error, or other proceeding taken therein. Upon the trial of such action such county tax roll and warrant annexed thereto, or a copy thereof, duly certified shall be *prima facie* evidence of the right of the city to recover for the taxes assessed upon such roll. The county treasurer shall attend upon such trial and produce such county tax roll and warrant in evidence whenever required by the court trying the same. If it shall be made to appear upon such trial that any part of such tax is invalid, the city may recover for the remainder of the amount assessed. The party prevailing in such action shall be entitled to costs as in other cases. The city shall be entitled to recover interest upon such tax, at the rate of three-quarters of one per cent. for each calendar month or fraction of a calendar month elapsing after the 31st day of December of the year in which such county tax roll shall have been made.

Attachment may issue.

Action - how conducted.

City not bound to give bond in attachment, etc

Effect of tax roll and warrant as evidence.

Treasurer to attend trial.

When part of tax is invalid.

Costs.

Interest recoverable.

SEC. 73. No tax assessed under this act shall be rendered invalid by showing that any paper, certificate, return, affidavit, bond or record required to be made, filed or entered in any office or place is

Tax not invalidated by absence of certain papers, etc.

not found in the office or place where the same ought to be filed, entered or found, but until the contrary is proven the presumption shall be in all cases that such paper, certificate, return, affidavit, bond or record was made, filed or entered as required by law in the proper office or place.

Certain omissions not to in validate tax.

SEC. 74. Any omission to comply with the requirements of the law in relation to any of the following matters shall in no way effect the validity of any tax assessed in said city or any proceeding instituted to enforce the collection thereof, provided such tax be in other respects lawful to wit: In assessing property as belonging to a resident person, or as belonging to a non-resident person; in giving, publishing or posting either of the notices provided in sections 29, 35, 42, 51, and 102 of this act; in the meeting of the board of review during the first week in which it is required to meet as provided in section 30 of this act; in the action of the board of review or in the keeping of its records; in making endorsements upon tax rolls as required by sections 31 and 52 of this act; in the performance of any act at a particular time provided the same be done afterwards, and provided further, that it does not appear that the taxpayer whose tax is in question has been injured by such delay; in assessing taxes in different columns on a tax roll; in the description or name of any person; in the description of property; in the form or substance of any warrant annexed to a tax roll; in computing interest upon a tax; in making a record of any act or fact; in preserving evidence of any act or fact; in any other matter, unless such omission will impose upon the taxpayer more than his fair share of the public burdens.

Private property—when may be taken for public use.

SEC. 75. The council of Bay City shall have power to purchase or take private property for the public use or benefit in the following cases:

*First*, To open, extend, widen or straighten any public highway, alley or street in said city ; .

*Second*, To obtain sites for public buildings, to locate, establish or alter any sewer or drain.

SEC. 76. Whenever the council shall deem it necessary to take private property for public use for any of the purposes aforesaid, they shall give notice thereof to the owners or persons interested, or his or their agent or representative, by personal service, or by written notice posted in three of the most public places in said city, at least three weeks next preceding the meeting of said council for the purpose aforesaid. And the council are authorized to treat with such person or persons for such grounds or premises; and if such person or persons shall refuse to treat for the same, or if the parties cannot agree therefor, it shall and may be lawful for any justice of the peace of said city to issue *venire facias*, to command the chief of police of said city to summon and return a jury of twelve disinterested freeholders, to be taken within the limits of said city, to appear before the said justice of the peace of the city, at any place therein to be stated, to inquire into and determine the necessity for using such grounds, and the just compensation to be paid therefor to the owner or owners of, or parties interested in said grounds or premises; and in the impaneling of such jury, the right of challenge, enforcement of attendance, and summoning of talesmen is hereby conferred as is provided by general law in this State for justice courts in civil cases, except that no more than two peremptory challenges shall be permitted to the corporation, and a like number to the individual, or individuals collectively, whose property is sought to be taken; and the challenge to the array shall be in writing, and shall specify the cause; which jury being first duly sworn by said justice, faithfully

Proceedings to take property for public use.

Failure to agree with owners.  
Justice of the peace

Jury and their duty.

Justice to enter judgment.

Compensation to owners.

Proviso relative to appeal.

and impartially to inquire into the necessity for taking or using such grounds, and to ascertain and determine the just compensation to be paid therefor, and having viewed the premises, if necessary, shall inquire of and assess such damages and recompense as they shall judge fit to be awarded to the owner or owners, or the parties interested in such grounds or premises, for their respective injuries, according to the several interests or estates therein; and the said justice shall, upon the return of such assessment or verdict, enter judgment therefor, confirming the same; and the determination of such jury as to the necessity of taking such private property for public use, shall be final and conclusive. The council shall pay, or cause to be paid, the several sums so awarded thereto, out of the special improvement fund, if there are sufficient moneys in the treasury belonging to that fund to pay the same. If there are not sufficient of said moneys in the said treasury to pay said award, the council shall cause an order to be drawn on such fund, drawing interest at seven per cent. and payable at some future day, and within one year from date, as a security to the person or persons to whom such compensation shall be awarded, for the amount of such compensation so awarded to him or them, and shall deliver the same to such person or persons, or his or their agent or attorney. It shall thereupon be lawful for said council to cause such grounds to be occupied for the purposes aforesaid: *Provided*, That any person claiming damages as aforesaid may have the right to remove the proceedings as to the amount of damages to be awarded, by appeal to the circuit court, or any court of competent jurisdiction, upon giving notice, (of) his or her, or their intention so to do, to said justice, in writing, within ten days, or in case of the absence of said party

from said city at the time of the rendition of said judgment, then within thirty days after the verdict of such jury and the judgment of said justice, as aforesaid, and upon filing a transcript of the proceedings aforesaid, duly certified by said justice of the peace within forty days after the verdict of said jury and the judgment of said justice of the peace, as aforesaid, in the circuit court for the county of Bay; the same proceedings, as near as may be, shall be had, as is prescribed by law in the other cases of appeal: *Provided*, That if the final judgment for damages shall not exceed the damages assessed before the justice by at least five dollars, then the party appealing shall pay all costs occasioned by such appeal. Costs on appeal

SEC. 77. Whenever the council shall deem it necessary to issue the bonds of the city for any purpose, the question of the issuing of said bonds shall be submitted to the property-holding tax-payers of the city, being electors thereof, at the annual election in April, or at the the general election in November, and at least thirty days notice of such submission shall be given, immediately preceding said election, by publication in the official newspaper of said city, specifying the amount of not exceeding twenty-five thousand dollars, and the object for which it was proposed to issue said bonds. A separate ballot box shall be provided for the receiving of ballots, and the votes shall be canvassed, declared, and returned, and all things with reference thereto done in the same manner as near as may be, as in the case of the election of city officers. At the close of such election the inspectors shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city, and the other filed in the office of the county clerk for the county of Bay: *Provided*, That not more than two Issue of bonds to be submitted to electors.

Vote thereon.

such meetings shall be called in any one year.

Board of police  
commissioners.

SEC. 78. The mayor, *ex officio*, and four other persons having the qualifications of electors, who shall be appointed by the council on the nomination of the mayor, shall constitute a board of police commissioners. The mayor shall be chairman of said board, and the recorder shall be clerk thereof. Said commissioners shall receive no compensation for their services. Such board shall assume and exercise entire control of the police of said city, and shall possess full power and authority over the police organization, govern appointments and discipline within said city. It shall have the custody and control of all public property, books, records, and equipments belonging to the police department, and shall have power to erect and maintain all such lines of telegraph in such places within said city as for purposes of police the board shall deem necessary, whenever the council shall authorize the establishment of the same. Said board shall keep a record of its proceedings.

Compensation  
and duties.

Record.

Terms of office.

SEC. 79. The persons first appointed by the council police commissioners shall hold their offices: one until the first day of May in the year 1882; one until the first day of May in the year 1883; one until the first day of May in the year 1884; and one until the first day of May in the year 1885; and until their successors are elected and qualified; and all persons subsequently appointed, except for the purpose of filling vacancies, shall hold their offices for four years and until their successors are elected and qualified. In case any vacancy occurs the council, on the nomination of the mayor, shall appoint some person to fill the unexpired portion of the term.

Vacancy.

Qualification of  
members.

SEC. 80. The said commissioners so appointed shall, before entering upon the duties of their office, take and subscribe the oath of office prescribed by the

constitution of this State before some person authorized to administer oaths, and file the same with the recorder of said city, and such commissioners may be removed by the council for the like cause and upon like proceedings as members of said council.

SEC. 81. The said board of police commissioners shall have power to appoint a chief and one or more captains of police and such number of policemen, with pay, and such number of watchmen, without pay, as they shall deem expedient. In time of special emergency, or apprehended danger from riot or other cause of alarm, said board may appoint as many policemen, with or without pay, as they shall deem expedient.

SEC. 82. Such board shall have power to try and determine all complaints against the chief, captain, or any policeman or watchman of said city, and to remove them, or any of them, summarily on conviction of insubordination, neglect of said duty or violation of any of the rules or regulations made for the government of the police department of said city.

SEC. 83. Such board, when convened for the purposes mentioned in the preceding section, shall be vested with full power to subpoena witnesses, issue warrants to compel the attendance of witnesses, administer oaths, take and record testimony, and do such other acts as may be lawfully done by any court for the purposes mentioned in section 82, and a majority of such board shall constitute a quorum for the transaction of business.

SEC. 84. Each member of the police force, appointed by said board, shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State, and file the same with the clerk of said board. After filing said official oath, the policeman so appointed shall have power to serve any summons, subpoena, warrant, order, notice, paper

or process whatever, issued or directed by any justice of the peace, recorder of the city, or officer whatever, in the execution of the laws of this State or ordinances of the city, for the prevention of crime and the punishment of offenders in any part of this State. They shall have power to serve process for any violation of the city ordinances, and generally shall have and exercise the powers as conservators of the peace, which township constables, under the general laws of the State possess, but such policemen shall have no power to serve any civil process. For the time engaged in active service each member so engaged shall be paid such sum as shall be recommended by the board and approved by the council.

Compensation.

Duties of board and police force

SEC. 85. It shall be the duty of said board and of the police force hereby constituted, at all times of the day and night within the boundaries of Bay City, to preserve the public peace and prevent crime and arrest offenders, to protect the rights of persons and property, to guard the public health, to preserve order, to enforce all laws of the State and all ordinances of said city, to remove nuisances existing in public streets and highways, to report all leaks and defects in water pipes and sewers to the proper authorities, to provide a proper force at every fire in order thereby that the firemen may be protected in the performance of their duties, and property preserved for the owners thereof, to protect strangers and travelers at steamboat landings and railway stations, and generally to carry out and enforce all ordinances of the city and laws of the State.

Receipt of fees, gifts, etc., by members of police force.

SEC. 86. No member of the police force shall receive or share in, under any pretence whatever, any present, fee, gift or emolument for police service, other than the regular salary and pay, except by the unanimous consent of said board, to be disposed of as provided in

the next section. Nor shall any member of said force receive or share in any fee, gift, emolument or reward from any person who may become bail for the appearance of any one arrested, accused or convicted of any offense, or who may become surety on appeal from the judgment or decision of any court or magistrate; or any gift, fee or reward from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the county of Bay. Nor shall any member, either directly or indirectly, interest himself or interfere in any manner whatever in the employment or retainer of any attorney to aid in the defense of any person accused or arrested for any offense; and for any violation of this section, the member offending shall be immediately removed from office.

Defence of persons accused.

SEC. 87. All rewards, fees, proceeds of gifts or emoluments allowed by the board of police commissioners to be paid or given for or on account of any extraordinary service of any member of the police force, shall be paid into the city treasury by the board of police commissioners. The said board may, whenever they deem it necessary for the proper and efficient police regulations in said city, direct the city treasurer, out of such fund, to pay such sums to such persons as they shall direct: *Provided*, the sum or sums so paid shall not exceed the amount of money in said fund derived from the services mentioned in this section.

Rewards, fees, etc., to be paid into city treasury.

Proviso.

SEC. 88. No member of the police force, under penalty of forfeiting the pay which shall be due him, shall withdraw or resign from said force unless he shall have given the chief of police one week's notice thereof in writing, and no person who shall withdraw or resign without having given such notice, or who shall have been removed from said force for cause,

Notice of resignation of members of police force.

shall be reappointed by the board of police commissioners to any office on said police force.

Security which may be required by board of police commissioners.

SEC. 89. The board of police commissioners shall have power in their discretion to require the chief of police, the clerk of the board, or any member of said force to give such security as they may deem just, for the faithful performance of their duties.

Expenses of apprehending, &c offenders to be audited by board of supervisors.

SEC. 90. The expenses of apprehending, examining and committing offenders against the laws of this State in said city, shall be audited and allowed by the board of supervisors of Bay county, in the same manner as if such expenses had been incurred in any township of Bay county, and when so allowed shall be paid by the county treasurer of Bay county to the clerk of the board of police commissioners, who shall pay the same to the city treasurer to the credit of the contingent fund, less the necessary expenses of the officers performing said service, which shall be paid to him when audited and allowed by the board of police commissioners.

To whom to be paid.

No issue of city bonds except as provided herein

SEC. 91. No bond or note, or other obligation or evidence of indebtedness of said corporation shall be given or issued by said corporation, except as provided in sections forty-eight, seventy-six, seventy-seven, and one hundred and twenty-six of this act, or by any officer thereof in his official capacity, whereby the said city shall become obligated to pay any sum of money; but the council may indorse on all accounts which may be presented against said city, the amount allowed by them thereon.

Statement of receipts and expenditures by comptroller.

SEC. 92. The comptroller shall in the month of March in each year make out a detailed statement of all receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received; and it shall also specify all appropriations made by the coun-

oil during the year, and the particular purposes for which each appropriation was made. Such statement shall be signed by the mayor and recorder, and be recorded and filed in the recorder's office; a copy thereof shall be published in the official newspaper of said city for at least two weeks.

SEC. 93. The mayor shall be chief executive officer of Bay City, and conservator of its peace. It shall be his duty to see that all officers of said city faithfully comply with and discharge their official duties; to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the council be faithfully observed and executed; and he shall have power in his discretion to report to the council any violation thereof. He shall from time to time give to the council such information and recommend such measures as he shall deem necessary or expedient.

SEC. 94. The mayor shall, by virtue of his office, be authorized to take the acknowledgment of deeds and other instruments in writing; to administer oaths and affirmations, perform marriage ceremonies, and do all other like acts that justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city.

SEC. 95. The recorder shall be the clerk of the council and shall give bond for the faithful performance of his duties in such sum as the council shall by ordinance direct; and shall keep a manuscript record of their proceedings in the proper books provided therefor, and shall open and keep the books of accounts and such other books of receipts and expenditures as the council may direct, and in such form and manner as they may order. He shall also perform for the city all such duties as township clerks are required by law to perform for the several townships in regard to filing

Record of ordi-  
nances.

Publication of  
penal ordi-  
nances

and registering chattel mortgages and bills of sale, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State. He shall keep a record of all ordinances and of the time of their publication, which record shall be signed by the mayor and recorder. No ordinance subjecting any person to fine and imprisonment shall take effect until it shall have been published for at least one week in the official newspaper of said city. The recorder shall also be a member of the board of supervisors for Bay county, and shall be entitled to the same compensation for attending said board of supervisors as is allowed by law to other members of said board, to be paid in the same manner.

Official bonds  
deposited with  
recorder.

SEC. 96. All official bonds of said city, except as herein otherwise provided, shall be deposited with the recorder of the city for safe keeping, and it shall be his duty to deliver the same to his successor in office.

Aldermen, du-  
ties of.

SEC. 97. It shall be the duty of every alderman in said city to attend the regular and special meetings of the council; to act upon committees when thereunto appointed; to order the arrest of all persons violating the laws of this State or the ordinances, by-laws or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of him by this act.

Supervisors,  
and duties of.

SEC. 98. The supervisors of each ward shall have, and exercise within his ward, all the powers, authorities and functions of supervisors of townships, as now provided, or may be hereafter provided by law, except as herein otherwise provided, and each of them, with the comptroller, treasurer, city attorney, and recorder shall be a member of the board of supervisors of Bay county, and as such shall be entitled to the same com-

pensation, and paid in the same manner as the other members of said board.

SEC. 99. The accounts and demands of all persons against the city, shall be verified by affidavit, and shall set forth the items thereof in detail, which affidavit may be taken and certified by any member of the council, or other person authorized to administer oaths.

Accounts against city to be verified.

SEC. 100. The comptroller shall perform such duties in relation to the finances, accounts, and other matters of the city as shall be prescribed by ordinance, and shall in addition to his other duties, be the assessor of said city, and as such shall have and exercise within the city, all the powers and duties and authority of supervisors of townships, as provided by the laws of this State, except as herein otherwise provided.

Comptroller, duties of as to finances to be assessor.

SEC. 101. The treasurer shall be a member of the board of supervisors of Bay county, and shall be entitled to the same compensation for attending said board of supervisors as is allowed by law to the other members of said board to be paid in the same manner.

Treasurer to be member of board of supervisors

SEC. 102. The treasurer shall not be required to call upon the persons whose names appear on the assessment roll, or at such person's usual place of residence, and shall not be required to demand payment of the taxes charged on such tax roll or list in the collection of State, county, city, or other taxes in said city. But such treasurer shall, two weeks before the time fixed by law for the delivery of any tax roll to said treasurer, give notice by publishing the same in the official newspaper in said city, and by posting the same in three public places in each ward of said city, of the time when such treasurer will receive such roll, and of the time when by the law he will be required to receive the taxes thereon: *Provided*, That any defect in said notice or any omission to comply with the pro-

Notice of delivery of roll to treasurer and receipt of taxes

Proviso,

visions of this section, shall not invalidate said tax roll, or any measures thereafter to be taken to enforce collection of the taxes thereon assessed. Such notice shall be published in said official newspaper for four successive weeks.

Treasurer to be collector of taxes to give bonds

SEC. 103. The treasurer of the city shall be, by virtue of his office, the collector of all taxes and assessments, both general and special, levied and made therein; and for that purpose, within ten days after his election, he shall give bonds to the city in such sum and with such surety or sureties as the council shall require and approve; he shall also give to the treasurer of the county of Bay, said further security, as is or may hereafter be required by law of the several township treasurers of this State, and for the purpose of the collection and return of all such taxes, and of the return of property delinquent for the non-payment of taxes; the said treasurer on giving the bonds or surety so required, shall possess all the powers, and perform all the duties of the several township treasurers of this State as prescribed by law, and shall also perform such other duties respecting the collection and return of taxes as the council shall require. He shall have

Other duties respecting taxes.

Power to appoint deputy.

power to appoint the chief of police his deputy, to be approved by the council, and make or revoke such appointment at his pleasure, which appointment and revocation shall be in writing, and filed in the office of the recorder, and the deputy may perform the duties of such treasurer, and said deputy before entering upon the duties of his office, shall give bonds to the city in such sum and with such surety or sureties, as the council may require and approve.

City attorney, duties of.

SEC. 104. The city attorney in addition to the other duties prescribed in this act shall be the legal adviser of the council and of all officers of the city and shall act as the attorney and solicitor for the city in

all legal proceedings in which the city is interested ; he shall prosecute for all offenses against the ordinances of the city ; he shall attend the meetings of the council and of the board of public works when required, and shall perform such other duties as the council may require ; he shall also be a member of the board of supervisors of Bay county, and shall be entitled to the same compensation for attending said board of supervisors as is allowed by law to the other members of said board to be paid in the same manner.

To be member of board of supervisors.

SEC. 105. The director of the poor and city constables, shall have the powers, and perform the duties of township officers elected under the general laws of this State, subject to the provisions of this act ; and the police shall have the power to serve and execute all process issued by the recorder.

Director of the poor and city constables.

Powers and duties of police to serve process.

SEC. 106. The street commissioner shall under the direction of the council and board of public works, superintend the making, grading, paving or planking, repairing and opening of all streets, lanes, alleys, bridges, sidewalks, drains and sewers, within the limits of the city, in such manner as he may from time to time be required, and before entering on the discharge of his duties, and within ten days from the notice of his appointment, shall take the oath of office, and give such security for the faithful discharge of his duties as the council shall direct and require.

Street commissioner, duties of in relation to public works.

When to qualify.

SEC. 107. Whenever any officer shall resign or be removed from office, or the term for which he shall be elected or appointed shall expire, he shall on demand, deliver over to his successor in office all the books, papers, moneys, and effects in his custody as such officer, or in anywise appertaining to his office ; and every person violating this provision shall be guilty of misdemeanor, and may be proceeded against in the

Duties of officers on resignation or removal from office.

Penalty for violation of this provision.

same manner as public officers generally, for like offences, under the general laws of this State, now or hereafter in force, and applicable thereto; and every officer appointed or elected under this act, shall be deemed an officer within the meaning and provisions of such general laws of this State.

Officers — additional powers, duties and liabilities.

SEC. 108. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers, whether elected or appointed, except judicial officers, shall have such other rights, powers, duties, and liabilities, subject to and consistent with the provisions of this act; and shall give such security as the council may deem expedient and shall prescribe by ordinance or resolution.

Compensation of officers to be determined by council.

SEC. 109. The council shall determine the salary or compensation to be paid to the several officers of the city, which sum, when so fixed, shall not be changed during the term of his office except by a two-thirds vote of all the aldermen elect.

Police justice, recorder to be.

SEC. 110. The recorder shall be police justice of Bay City, and as such police justice shall have exclusive jurisdiction to hear, try, and determine all offenses against the charter, ordinances, or by-laws of the city.

Court.

His court shall be known as the recorder's court and shall be held in a room to be provided by the council:

Proviso.

*Provided, however,* That in case of the disability of said recorder for any reason to hear said cases, any justice of the peace of Bay City may hear, try, and determine the same.

Trials before recorder.

SEC. 111. In all trials before the recorder of any person charged with a violation of any by-law or ordinance of the common council either party shall be entitled to a jury of six persons, if demanded, and all the proceedings in and relative to the cause shall, except as herein otherwise provided, be in conformity, as near as may be, with the mode of proceeding in

criminal cases cognizable by justices of the peace, and in all such cases the defendant shall have the right of appeal from the recorder and police justice court to the circuit court for Bay county on the same terms as is, or may be required by law in appeal from justices' courts in criminal cases.

SEC. 112. In all prosecutions for the violation of any of the by-laws or ordinances passed by the common council, upon complaint being made in writing by the city attorney, or the oral or written complaint of any other person upon oath before the recorder setting forth the substance of the offense complained of, the recorder shall issue a warrant in the name of the people of the State of Michigan for the apprehension of the offender, directed to the chief of police of Bay City, or any constable of the county of Bay, and such process may be executed by any one of said officers anywhere within this State, and shall be returnable the same as other similar process issued by justices of the peace in townships.

SEC. 113. Upon bringing the person so charged before the recorder or police justice, he shall plead to said complaint; and in case of his refusing to plead, or standing mute, the recorder or police justice shall enter the plea of not guilty for the person so charged, and upon the said complaint and plea a trial shall be had, and upon conviction of said offender and imposition of a fine only, with or without costs, it shall be the duty of the recorder to issue a commitment, directed to the chief of police or any constable of the county of Bay, reciting the sentence and the substance of the offense as charged in the warrant commanding the commitment of the person so offending until the expiration of a term named in the sentence, unless said fine and costs are sooner paid, or until he be discharged by due course of law; and in case where im-

Right of appeal

Complaint for violation of ordinances.

Warrant to issue.

Arraignment of persons charged.

Plea.

Trial and sentence.

Commitment.

What to contain.

prisonment alone shall be imposed upon the person so convicted, the said recorder shall issue a commitment directed as aforesaid commanding his commitment until the expiration of the time for which he shall be sentenced for imprisonment, or until he be discharged by due course of law; and in cases where both fine, with or without costs, and imprisonment, or imprisonment in default of payment of fine or costs, are imposed upon the person so convicted by the judgment of such police justice or recorder, he shall issue the necessary process to carry such judgment into effect: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so committed is unable to pay the same in money or labor.

Proviso.

Competency of jurors and witnesses.

SEC. 114. In all suits in which the corporation of Bay City shall be a party or shall be interested, no inhabitant of such city shall be deemed incompetent as a juror on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

Proviso.

Ordinance need not be set forth in complaint.

SEC. 115. In prosecutions for the violation of any of the by-laws or ordinances of said city, it shall not be necessary to plead or set forth any such by-law or ordinance or any of the provisions thereof, in any complaint, pleading, warrant, writ or process, but the same shall be deemed well and sufficiently pleaded and set forth by reciting the title to any such ordinance or by-law, and the date of its passage or approval, and the court or officer before whom any such prosecution shall be tried, shall take notice without proof of the existence and provisions of such ordinance or by-law, unless the existence or validity of such by-law or ordinance shall be specially put in issue by the plea or notice of the defendant.

Validity of ordinance may be put in issue on plea.

SEC. 116. The corporation of Bay City shall be al-

lowed the use of the common jail of the county of Bay, for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the council, and all persons committed to said county jail by the recorder of said city for any violation of a by-law or ordinance of said council, shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

County jail to be used by Bay City.

SEC. 117. A record or entry made by the recorder of the said city, or a copy of such record or entry, duly certified by him, shall be *prima facie* evidence of the time of the first publication of any ordinance, and all laws, regulations and ordinances of the council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board, in which it shall be necessary to refer thereto; either

Evidence of publication of ordinance, etc.

*First*, From a copy certified by the recorder of the city, with the seal of Bay City affixed, or

*Second*, From the volume of ordinances printed by the authority of the council.

SEC. 118. Any judicial officer of said city may be suspended or removed from his said office by the circuit court for the county of Bay, for the neglect or refusal to pay over as required by law, any moneys by him collected for or on account of any fine, penalty or forfeiture, or the unfaithful or insufficient performance of any of his official duties, or any official misconduct, or charges specially preferred by said council of said city, or any member or officer thereof, or by three electors of said city founded on affidavit filed in said circuit court, specially stating the charges complained of, a copy whereof shall be served upon him in such manner as said circuit court shall direct, and opportunity shall be given him to be heard in his defense.

Suspension or removal of judicial officers.

Electors, where  
to vote.

SEC. 119. At all city elections, every elector shall vote in the ward where he shall have resided ten days preceding the day of election; otherwise he may vote in the ward from which he removed: *Provided*, He shall have resided in such ward ten days prior to such removal. The residence of any elector under this act, shall be the ward where he boards or takes his regular meals.

Perjury.

SEC. 120. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall, under such oath or affirmation in any statement, or affidavit, or otherwise wilfully swear falsely, as to any material fact or matter, shall be guilty of perjury.

Double costs,  
when recover-  
able

SEC. 121. If any suit shall be commenced against any person elected or appointed under this act to any office for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act, by the command of any such officer, and if final judgment be rendered in such suit whereby any such defendant shall be entitled to costs, he shall recover double costs in the manner defined by law.

Record of ordi-  
nance.

SEC. 122. The record of any ordinance enacted, and of the time of its first publication, made by the recorder as required by this act, or a copy thereof certified by such recorder, under the seal of the corporation, shall be presumptive evidence in all courts, places and proceedings, of the due passage of such ordinance, of its having been duly published and of the time of its first

Presumptive  
evidence.

Certified copies  
of records and  
papers effect of  
an ordinance.

publication. Copies of all other records and papers duly filed in and pertaining to the office of the recorder, certified by him under the seal of the corporation, shall be evidence in all courts and places, to the same effect as the originals would be if produced.

SEC. 123. Proof of the requisite publication of any

ordinance, resolution, or proceedings required to be published in any newspaper, by the affidavit of a printer in the office of said newspaper or the publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the recorder of the city, or any other competent proof, shall in all courts and places, be conclusive evidence of the legal publication of such ordinance, resolution or other proceeding. All ordinances and by-laws of the council, printed or published by their authority, shall in all courts, places, and proceedings, be received without further proof as *prima facie* evidence thereof, and of their legal enactment and publication.

Affidavit of publication when admissible.

Ordinances and by-laws, *prima facie* evidence.

SEC. 124. No person shall be an incompetent judge, justice of the peace, or other officer, witness or juror, by reason of his being an inhabitant or freeholder of Bay City.

Competency of officers, witnesses and jurors.

SEC. 125. No person shall be elected or appointed to any office created by this act, who is now or may hereafter be a defaulter to said city, or to any board of officers thereof, or to the State of Michigan, or any county or township thereof, and any person shall be considered a defaulter who has refused or neglected, or who may hereafter refuse or neglect, for thirty days after demand made, to account for and pay over to the party authorized to receive the same, any public money or papers pertaining to his office, which may have come into his possession; if any person holding any such office, shall become a defaulter while in office, the same shall thereby be vacated.

Defaulters to the city not eligible for office.

Construction of term default-er.

SEC. 126. Whenever the council shall be authorized by a vote of the taxpayers, as provided in section 77, they may issue the bonds of the city for the amount as voted, and provide for the payment of the principal and interest thereon, and for this purpose shall

Council when authorized may issue bonds.

Provisions for payment of. annually levy, assess and collect on the assessed value of all the real and personal estate in said city, made taxable by the laws of this State, taxes for this purpose not to exceed in amount a sufficient sum to pay the interest accrued, or to accrue on said bonds for the year for which such taxes are levied, and the principal as it shall become due.

Vacancies in judicial offices, how filled. SEC. 127. Whenever a vacancy shall occur in any judicial office the council may order a special election to fill such vacancy, and shall give not less than ten days' notice of the time of such election. Such notice shall be written or printed, and shall be posted in at least three public places in each ward. The manner of conducting such election shall in all respects be the same as is herein provided for the annual election, and such vacancy may also be filled at the annual election.

Process against city. SEC. 128. All process issued against said city, shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and attested copy of such process with the mayor or recorder, at least ten days before the day of appearance as mentioned therein.

Taxes heretofore levied for sewers, etc., shall remain valid. SEC. 129. All taxes and assessments for sewers or otherwise heretofore levied on and remaining unpaid in Bay City, shall continue to be a lien on the land on which the same were assessed, and shall remain valid and binding as if this act had not been passed.

Railroad and street railways to be authorized by council. Adjoining owner to be compensated. SEC. 130. The council shall have power to authorize the running of railroads and street railways in the streets of said city, upon condition that the owners of the lots adjoining, and persons interested therein shall receive compensation therefor; but the council may, as an additional condition of such use of the street, require the corporation or persons owning any such railroad or street railway, to plank or pave the

Railroads, etc., may be required to pave sts.

street so used ; and in default of performance of any condition above named may by ordinance cause any railroad or street railway now in, or hereafter to be laid in said city, to be changed in its route, and its rails removed, and may use such force and provide such penalties as may be necessary to enforce a compliance with any such condition. The method of arriving at the compensation to be paid to the lot owners, and persons interested therein, shall be the same as provided by the general railroad laws of this State. Nothing herein contained shall be deemed to prohibit the council from changing the route of any railroad or street railway now in, or hereafter to be laid in said city, when in the opinion of the council the public good may require it.

Change of route and rails removed when.

Method of compensating adjoining owner.

Council may change route.

SEC. 131. It shall be the duty of the aldermen representing each ward in said city, at the first regular meeting of the council after the comptroller has completed his assesment roll, to recommend to the council the amount necessary to be raised in their wards respectively for highway purposes, not exceeding, however, one per cent. upon the assessed valuation of the real and personal property within such ward, according to the valuation thereof, taken from the assessment roll for such year, which amount, if approved, the council shall order to be raised ; but in case the council do not approve of the same, or in case the aldermen from such ward neglect or refuse to make such recommendation, the council shall order such sum within the limits above specified as they may deem necessary, and the several amounts so ordered shall be assessed and collected in the same roll and in the same manner as city taxes. The several amounts so raised and collected, shall by the treasurer, be placed to the credit of the highway fund of the ward in which the same was assessed, and shall be expended for

Ward highway fund

How raised.

Not to exceed one per cent. on valuation.

When council shall order amount of.

How assessed and collected.

How expended.

Property situated in more than one ward—how assessed

highway purposes in such ward: *Provided*, That in assessing property in said city for ward purposes, the same when situated in more than one ward, shall be assessed in the ward where the greater portion of such real estate is situated.

City not liable for local tax.

SEC. 132. Said city shall not be liable for any improvements, the expense whereof is herein, or by ordinance made a charge upon the property benefited thereby, or assessed or to be assessed upon any district, ward, or other portion less than the whole city, or upon any contract made in reference thereto; but in case of any error or irregularity in the assessment or collection of such tax, or otherwise affecting the validity, or preventing or delaying the collection thereof, it shall be the duty of the council to order the reassessment of such tax according to law. Such assessment shall, if the council so direct, also provide for interest at the rate of three-quarters of one per cent. per month.

Reassessment of local tax, when.

Property adjoining line of water pipe—how taxed for water works fund.

SEC. 133. The council shall have power to levy, assess and collect an annual tax or assessment on all lots, premises, or subdivisions thereof not using or taking water, fronting upon or adjoining any line of water pipe, of three cents per lineal foot front; and if not subdivided, two dollars per one hundred feet front, the amount thereof when collected, to be credited to the water works fund: *Provided*, That any lot or premises fronting upon, or adjoining more than one line of pipe, shall be assessed for only one of such lines of pipe, which assessment shall be for the line of pipe fronting upon or adjoining the longest line of such lot or premises.

Assessed<sup>1</sup> for one line only.

Streets not to be paved etc., nor sewers constructed except on petition.

SEC. 134. The council shall not order any street paved, planked, macadamized, or covered with broken or pounded stone, or any sewer constructed, unless a majority of the resident tax payers, as appears from

the last assessment roll, whose property will probably be liable to assessment for such improvement petition therefor: *Provided*, That the council may by a vote of two-thirds of the aldermen elect, order any sewer constructed, any street planked, paved, macadamized, or covered with broken or pounded stone. Proviso.

SEC. 135. The expense of repairing any street heretofore or hereafter paved, planked, macadamized, or covered with broken or pounded stone, and the expense of repairing any sewer heretofore or hereafter constructed, shall be paid out of the highway fund of the ward or wards in which said street or sewer is situated: *Provided*, That the same may be rebuilt at the expense of the property especially benefited thereby, as provided in section seventeen of this act; the decision of the council as to what is repairing or building shall be final. Repairing sts. and sewers, how paid. Proviso.

SEC. 136. No person shall lay out or plat any property within the limits of said city, or change any plat or portion thereof, without presenting the same to the council for approval, and, if approved, the same may be recorded according to law, and, if not so approved, the same shall be void and of no effect. Such approval shall be endorsed upon said map or plat and signed by the mayor and comptroller. Plats not to be made nor changed except on approval of council. Indorsement of approval.

SEC. 137. Nothing in this act contained shall be construed as affecting the terms of office of the present aldermen or city officers of said city; but they shall continue to hold their offices for the unexpired portion of the term for which they were respectively elected. Terms of present city officers not affected by this act.

SEC. 138. The board of registration shall meet on the first Monday of October, in the year eighteen hundred and eighty-four, and the said board shall make a registration of the qualified electors of each ward of said city in proper books, showing the particular and Board of registration. When to meet. Records of.—What to contain.

exact residence of each elector in said city, and the same rules and requirements shall be observed in such registration, in all respects, as are required by law for the registration of qualified electors in cities, and a like registration shall be made every four years there-

Re-registration

after. When any such re-registration shall be completed, the former registry of electors in such wards shall henceforth be deemed invalid, and shall not be used at the ensuing elections ; and no person shall vote at any public election in said city after such re-registration whose names shall not be registered anew, as provided by this section, or be afterwards properly entered on such new register, according to the provisions of law for the registration of electors. The notice of the meeting or session of the board of registration at which any re-registration is to be made, in addition to all other matters required by law to be therein stated, shall set forth that a re-registry is to be made, and that no elector whose name shall not be registered in such new register will be permitted to vote at the ensuing election. Until said registration is made in the year eighteen hundred and eighty-four the present registry of electors in said city as corrected and completed according to law, shall be deemed valid and shall be used at all intervening elections.

Notice of meeting of registration board.

What to contain.

Present registration, how long to be used.

Fifth and Sixth street sewers—property how assessed therefor.

SEC. 139. The expense of constructing the main sewers lately made on Fifth street from the Saginaw river east to Washington street, and on Sixth street from the Saginaw river east to the alley between Washington and Adams streets, in Bay City, shall be assessed upon the property specially benefited thereby, in the manner hereinbefore provided for assessments for local improvements, and when the assessment rolls for the same shall have been confirmed, the taxes so levied shall be a lien upon the lands so assessed, and shall be collected in the same

manner as hereinbefore provided for collecting taxes for such local improvements: *Provided, however,* Proviso. That the expense of constructing said sewers may be assessed and collected under the present charter and ordinances of Bay City, if the council so decide.

SEC. 140. The comptroller of said city shall have power to appoint one or more assistants to aid him in the discharge of his duties; such appointments shall be made by and with the consent of the council, and their compensation shall be fixed by the council. In case of the absence or disability of the comptroller to act in the discharge of his duties, the council, by resolution, may authorize any of his assistants to discharge the duties of comptroller, and in such case may require the assistant to give bond in such penalty as the council shall approve. The comptroller shall be responsible for the acts of his deputies.

Comptroller's assistant—how appointed.

Compensation.

Assistant when to perform comptroller's duties.

Comptroller responsible for acts of deputies.

SEC. 141. This act shall not invalidate any legal act done by the council of Bay City, or any officers of said city now or hereafter in office, and all ordinances, by-laws, and regulations, resolutions, and rules of the council shall remain in force until altered, amended, or repealed by the council or by this act.

This act not to invalidate previous actions of council or officers

Ordinances etc to remain in force until when.

SEC. 142. The corporation created by this act shall pay all the debts and obligations of Bay City, and all property, real and personal, cases in action and rights of all kinds of said city, are hereby absolutely vested in the corporation created by this act.

Corporation to pay debts of city.

Property to be vested in corporation.

SEC. 143. All suits instituted or commenced, for or against Bay City, may be prosecuted to the end thereof, by or against the corporation created by this act.

Suits already commenced—how prosecuted

SEC. 144. An act entitled "An act to organize union school district of Bay City," approved March 20, 1867, as amended by the several acts amendatory thereof, shall remain in full force and virtue, except as herein

School district act to remain in full force except.

amended, the same as if this act had not been passed.

Official news-  
paper—what.

SEC. 145. The official paper of the city is the newspaper in which the official proceedings of the council are published, as directed by the council.

Charter to be  
favorably construed.

SEC. 146. This act shall be deemed a public act and be favorably construed.

Former acts inconsistent with  
this repealed.

SEC. 147. All former acts and parts of acts relating to Bay City inconsistent with this act, are hereby repealed.

Takes immediate effect.

Ordered to take immediate effect.

MOREAU S. CROSBY,

President of the Senate.

SETH C. MOFFATT,

Speaker of the House of Representatives.

Approved March 30th, 1881.

DAVID H. JEROME,

Governor.

# INDEX TO BAY CITY CHARTER.

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# Rules & Common Council.

1884

24

## Rules of the Common Council.

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Rule 1. All petitions and such other matters as the Council shall order, when introduced before said Council, shall be referred to a committee. The committee shall not report thereon for one week from the time when such matter was so referred to them. *Provided*, That this rule may be suspended by the unanimous consent of all the Aldermen present at a meeting of the Council. *And provided further*, That when any matter shall be first introduced by the report or recommendation of any standing committee, no further reference to a committee shall be necessary; but such matter shall lay on the table for one week.

Rule 2. No bill or account against the city shall be allowed, unless verified by affidavit, which affidavit shall be substantially in the following form, to-wit:

STATE OF MICHIGAN, }  
COUNTY OF BAY, } ss.

A. B. being duly sworn, deposes and says, that the foregoing account is in all respects just and true, and that no part thereof has been paid.

Subscribed and sworn to before me  
this.....day of.....18.....

Rule 3. Motions may be made and resolutions offered by any member of the Council, and a vote shall be taken thereon without a second, in all cases and under like circumstances as though the same had been seconded, and any member may move a reconsideration of any matter, whether such member voted with the majority or not.

Rule 4. Reports of committees and of all city officers made to the Council shall be in writing, signed by the person or persons making the same. And when a

report of committee is made, the report shall be equivalent to a motion, and unless some other motion is interposed, the question shall be taken on the adoption of the report.

Rule 5. The Mayor shall annually, in the month of April, appoint the following standing committees from the members of said Council, to-wit:

Committee on Ways and Means.

Committee on Fire Department.

Committee on Streets and Sewers.

Committee on Ordinances.

Committee on Water Works.

Committee on Parks and Public Buildings.

Committee on Retrenchment of Public Expenses. (1)

Committee on Accounts. (2)

Each committee shall consist of a chairman and two members, and all vacancies in such committees shall be filled by appointment of the Mayor within two weeks after the same shall occur.

Rule 6. A motion to suspend the rules shall not be construed as including in its operation other rules, unless such rules are specially designated in the motion.

Rule 7. The order of business at every regular meeting of the Council, shall be as follows, to-wit:

1st. Calling of the Roll.

2d. Reading the Minutes of preceding meeting.

3d. Presentation of Petitions.

4th. Report of Committee on Streets and Sewers.

5th. Report of Committee on Ways and Means.

6th. Report of Committee on Fire Department.

7th. Report of Committee on Ordinances.

8th. Report of Committee on Water Works.

9th. Report of Committee on Parks and Public Buildings.

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(1) Added by resolution, January 31st, 1876.

(2) Added by resolution, April 14th, 1879.

10th. Report of Committee on Retrenchment of Public Expenses.

11th. Report of Committee on Accounts.

12th. Reports of Special Committees.

13th. Reports of Officers.

14th. Presentation of Accounts.

15th. Communications.

16th. Motions and Resolutions.

17th. Unfinished business of preceding meetings.

Rule 8. All motions and resolutions shall be reduced to writing if required by any member.

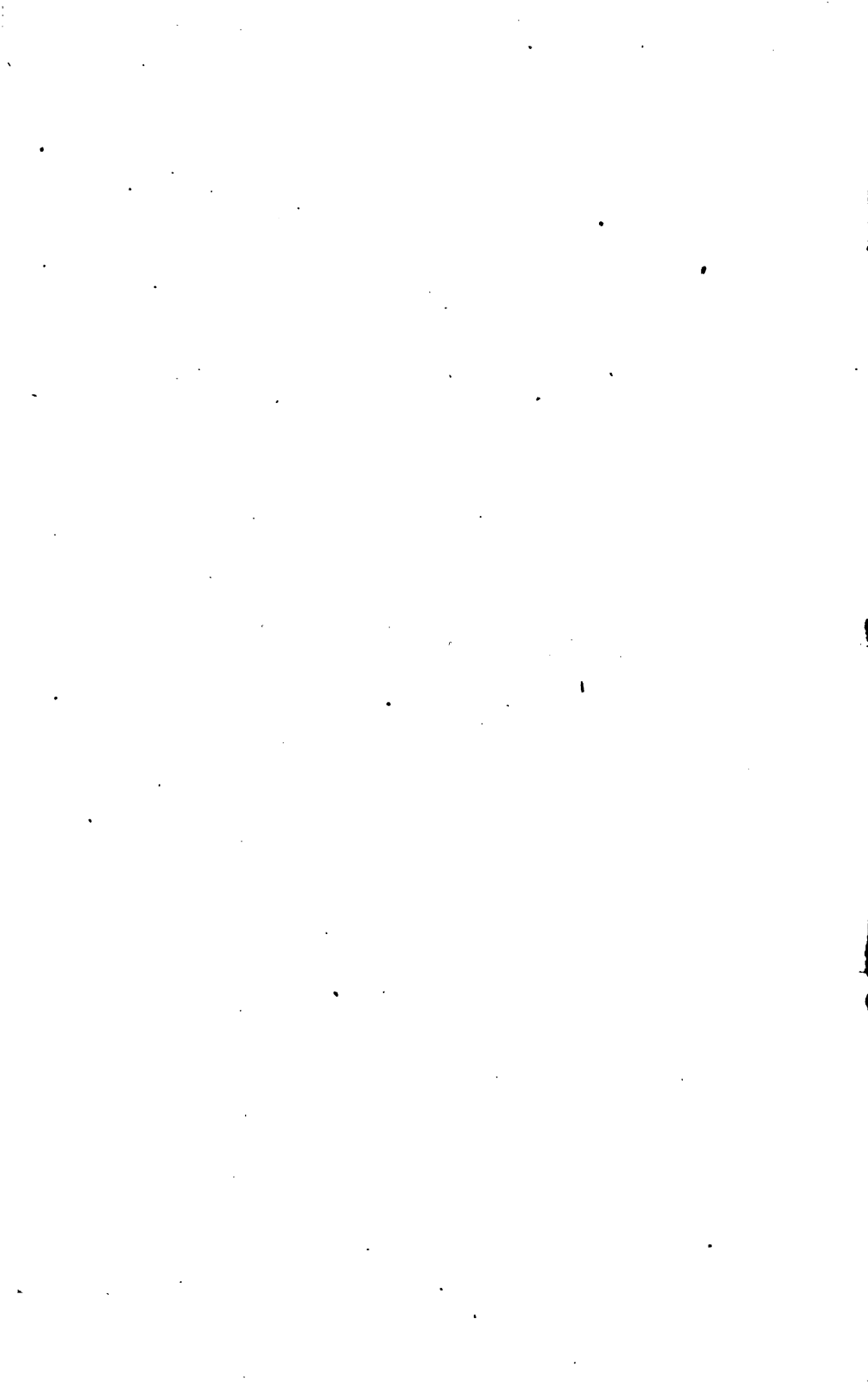
Rule 9. Every member, previous to his speaking shall rise from his seat and address himself to the Mayor or President, and no member shall be allowed to speak more than twice, or longer than five minutes, on any question without leave of the Council. (3)

Rule 10. These rules shall not be amended or repealed except by consent of three-fourths of the Aldermen elect.

Rule 11. Subject to the foregoing rules, the proceedings of the Council shall be governed by the ordinary parliamentary law.



# Ordinances of Bay City.



# ORDINANCES OF BAY CITY.

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## I.

### OF CITY OFFICERS.

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#### COMPTROLLER.

**An Ordinance to prescribe the duties of Comptroller.**  
*It is hereby ordained by the Common Council of Bay City,*

Section 1. It shall be the duty of the Comptroller to keep a complete set of books exhibiting the financial condition of the corporation in its various departments and funds, its resources and liabilities, with a proper classification thereof, and each fund or appropriation for any distinct object of expenditure or class of expenditures; when any such fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriation, liabilities, debts and expenses actually made, incurred or contracted for, and to be paid out of such fund or appropriation, the comptroller shall advise the Common Council thereof at its next meeting; and for the purpose of complying with the provisions of this section, it shall be the duty of said Comptroller to transcribe from the Treasurer's books, or from any other source, an account of the present indebtedness of said city, the nature of such indebtedness, when and where the same is payable, both principal and interest, also the amount of moneys in the treasury, and the particular fund to which the same belongs, all debts and other obligations owing to said city, and all

other matters necessary to enable any person to ascertain the liabilities and condition of such corporation.

Sec. 2. The Comptroller shall also open an account with the Treasurer, in which he shall charge said Treasurer with the whole amount of taxes, general and special, levied in said city, and shall charge him with all moneys appropriated, raised or received for each of the several funds of the city, and credit him for all warrants drawn thereon, keeping a separate account of debit and credit for each fund, charging every warrant drawn to the account of the particular fund constituted or raised for the specific purpose for which such warrant is drawn, in order that it may be known at the Comptroller's office when each fund has been or may be exhausted, and what balance if any, that may remain therein; and for the purpose of enabling him to comply herewith, all warrants drawn on the Treasurer for payments of accounts allowed by the Common Council, or in payment of any claim or demand against said city, shall, before being paid by the Treasurer be presented to the Comptroller, and by him countersigned; and he shall in addition to the duties above enumerated, enter in said accounts, in the order in which they are presented to him, the number and date of each warrant, the person to whom they are payable, and the amount of the same.

Sec. 3. All supplies and materials of every kind, for the use of the city, either of the city officers, committees of the Common Council, fire department, or police force, payment for which is made by the city, shall be purchased by the Comptroller, under the direction of the Common Council; and all contracts for constructing or repairing streets, bridges, crosswalks or culverts, and all other contracts on behalf of said city, shall be made by him under the direction of said Council; *Provided*, that when any such contract shall

exceed the sum of two hundred dollars, the same shall be let to the lowest responsible bidder, as prescribed by the Ordinance relating thereto.[1]

Sec. 4. It shall be the duty of the Comptroller to negotiate all loans ordered by the Common Council, to pay over the same to the Treasurer, when received, taking his receipt therefor, and shall also at the same time, on his books, charge said Treasurer with the amount of said loan, and also enter the same in the particular fund to which it belongs.

Sec. 5. It shall be the duty of the comptroller, (unless when otherwise provided by the charter,) to countersign all bonds, which the corporation or Common Council is authorized to issue, pledging the faith and credit of said city. It shall also be the duty of said Comptroller to review and examine in detail all accounts, claims and demands against said city, for supplies or materials purchased for the use of said city, and all claims upon, or growing out of any and all contracts, made by or on behalf of said city, which may from time to time, be referred to him by the Common Council for that purpose, and to report the same back to said Council at its next regular meeting, with his opinion as to the correctness of each, and amount due thereon, together with such other information relative thereto, as the said Council in its order of reference may require.(1)

Sec. 6. Said Comptroller shall perform such other duties as may from time to time be prescribed by the Common Council, and shall execute a bond to Bay City, with sufficient sureties, to be approved by the Mayor or Recorder, which approval shall be endorsed on said bond, in the penalty of ten thousand dollars, for the faithful performance of his duties.

Adopted April 27th, 1869.

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(1) As amended June 19th, 1871.

## STREET COMMISSIONER.

**An Ordinance relative to the duties of Street Commissioner.**

Section 1. *Be it ordained by the Common Council of Bay City*, That whenever the Common Council order any street to be graded, it shall be the duty of the Street Commissioner to grade or cause the same to be graded as soon as practicable thereafter, or, if he shall deem it for the best interests of the city, he may let the job of grading any particular street, on such terms as he may deem advisable, and he shall at least once in each week make a written report to the Common Council of all contracts made by him, the amount of work done on streets, and the expense of the same.

Sec. 2. It shall be the duty of the Street Commissioner to superintend the construction, repairs and cleaning of the sidewalks, crosswalks, culverts, sewers and bridges, except when the Common Council shall otherwise direct, and shall see that the same are kept in proper order and repair; he shall also see that the provisions of all ordinances relative to the use and protection of streets, alleys, sidewalks, sewers, culverts and other public works of the city are complied with, and to arrest persons guilty of violating the same, and carry him, her or them before the city Recorder for trial. And said commissioner shall hereafter have the same power and authority to make arrests for the violation of any of said ordinances, as though he were a policeman of the city on duty, and for that purpose and to that extent he is hereby declared a member of the police force of the city.(1)

Adopted May 18th, 1869.

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(1) As amended September 30th, 1872.

## CITY PHYSICIAN.

**An Ordinance prescribing the powers and duties of City Physician.**

Section 1. *Be it ordained by the Common Council of Bay City*, That the City Physician shall examine into all sources of danger to the public health, and shall from time to time make such recommendation to the Common Council concerning the sanitary condition of the city, as to him shall seem necessary and proper.

Sec. 2. It shall be the duty of the City Physician, when directed by the Mayor, an Alderman, or Director of the poor, or when any such case as is hereafter provided for shall come to his knowledge in any other manner, to attend any sick, disabled or infirm person who may be a charge upon the city, and render such medical assistance as may be necessary. Also, when any person likely to be a charge against the city is taken to the pest house, the City Physician shall attend on the person so taken to the pest house.

Sec. 3. It shall be the duty of the City Physician to vaccinate, without charge, any inhabitant of Bay City, not previously vaccinated, who may apply to him for that purpose.

Sec. 4. The City Physician shall furnish, at his own expense, all medicines which may be necessary in the skillful and proper treatment of such sick or disabled persons as may be a charge upon the city, and also such vaccine matter as may be required to carry into force the provisions of section three of this ordinance; but he shall be entitled at the end of each quarter, during his term of office, upon his affidavit that he has vaccinated, free of charge, all inhabitants of Bay City, who have called upon him for that purpose, to receive from the city treasury, the sum of fifty cents for each person so vaccinated by him, in ad-

dition to the salary of his office—the number so vaccinated to be set forth in said affidavit.

Sec. 5. It shall be the duty of the City Physician, to procure at the expense of the city, suitable cards, upon which shall be printed a copy of section three of this ordinance, and also the name and residence of the City Physician ; such cards shall be placed and kept in conspicuous places in the office of the City Physician, Recorder, Comptroller, Treasurer and Director of the poor.

Sec. 6. No person shall be eligible to the office of City Physician who has not received a diploma from a respectable medical college.

Sec. 7. In case of the absence or inability of the City Physician, from any cause, to attend to the duties of his office, he shall, with the consent of the Mayor, provide at his own expense, a competent physician to fill his place.

Adopted May 11th, 1869.

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#### SEALER OF WEIGHTS AND MEASURES.

**An Ordinance to provide for the appointment of a Sealer of Weights and Measures, and to prescribe his powers and duties.**

*It is hereby ordained by the Common Council of Bay City, as follows :*

Section 1. There shall be appointed by the Common Council an officer to be denominated the Sealer of Weights and Measures, whose term of office shall expire at the same time as other city officers annually appointed by the Council.

Sec. 2. The City Comptroller shall procure, at the expense of the city, a complete set of Weights and Measures and Scales and Beams, in conformity with the standards kept by the Clerk of the County, which shall be tried, proved, sealed and certified by the

County Clerk of the County of Bay or the Treasurer of this State, by the standards remaining in the office of said Clerk or Treasurer, and such weights and measures, scales and beams, so tried, sealed and certified, shall be delivered to and kept by such Sealer of Weights and Measures as standards for said Bay City; and said Comptroller shall also provide a seal similar to the State seal, to be kept by said Sealer of Weights and Measures for said city.

Sec. 3. Said Sealer of Weights and Measures shall have the care and custody of the standard weights and measures provided for said city, and shall seal all weights and measures, scales and beams used in Bay City for buying and selling, after having tried and proved the same by the city standards.

Sec. 4. Said Sealer of Weights and Measures shall, during the month of May in each year, post up a written or printed notice in three of the most public places in each of the wards of the city, stating therein the time and place in the city, when and where he will within the city, meet the inhabitants thereof and seal all their great and small scales, beams, weights and measures, as are found to be accurate, and which they shall bring to him for that purpose, and those which he shall find accurate he shall mark "approved," with the year in which the inspection is made, and those which shall not be found accurate, he shall stamp with the word "condemned."

Sec. 5. Said Sealer of Weights and Measures shall go once in every year to the houses, stores or shops of such merchants, traders, retailers of spirituous liquors, and of such other of the inhabitants of the city using scales, beams, weights and measures for the purpose of buying and selling, as shall neglect to bring or send in to him their scales, beams, weights and measures, and having there tried and proved the same, he shall

seal such of them as are accurate, and mark "condemned" those not accurate.

Sec. 6. Said Sealer of Weights and Measures shall be entitled to demand and receive from the person for whom the service is rendered for trying, proving and sealing as aforesaid, three cents for each scale, beam, weight and measure found not accurate and marked by him "condemned," and two cents for each scale, beam, weight and measure found accurate and marked by him "approved," in all cases where the same are brought to him for inspection, and double these rates in all other cases for like services. (1)

Sec. 7. No person shall use for buying or selling within this city any weights, measures, scales, beams or other instruments used for the purpose of weighing or measuring, unless the same have been inspected and marked "approved" by the Sealer of Weights and Measures according to the provisions of this Ordinance. No person shall, within the city, neglect or refuse to exhibit his weights, measures, scales, beams or other instruments used by him or her for the purpose of weighing or measuring goods and merchandise bought or sold by him or her, to the Sealer of Weights and Measures when demanded by him for the purpose of inspecting the same as hereinbefore provided.

Sec. 8. Any person violating any of the provisions of this ordinance, shall, on conviction thereof, be punished by a fine of not exceeding fifty dollars and costs of prosecution, and by imprisonment in the Bay County jail for a term not exceeding sixty days, or by either, in the discretion of the court, and if only a fine and costs be imposed, the court may sentence the offender to imprisonment in said jail until the payment thereof, for a term not exceeding thirty days. (2)

Adopted April 22d, 1872.

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(1) As amended June 16th, 1879.

(2) As amended February 13th, 1882.

## CITY SURVEYOR.

**An Ordinance Defining the Duties of the City Surveyor.**

*It is hereby ordained by the Common Council of Bay City, as follows:*

Section 1. It shall be the duty of the City Surveyor to make all surveys when ordered by the Common Council, and to superintend the construction of all sewers and pavements constructed within Bay City, when ordered by the Common Council, and to keep an office in the office of the Comptroller, where he shall file and preserve all books, maps and records hereinafter required to be kept.

Sec. 2. He shall from time to time, in his discretion, establish and report to the Common Council, "Bench-marks," numbering them in the order of their establishment, from which to calculate the elevation of sidewalks, the grades of streets and public grounds, and the depth and grades of sewers and surface drains.

All such bench-marks shall be located with reference to the point heretofore established and known as Bench-mark number one, being the top of the water-table at the north-west corner of the Fraser House, and which is assumed to be of the elevation of fifty feet above *datum*. He shall also establish fixed monuments or controlling points, from which to locate the boundaries of streets.

Sec. 3. He shall keep a "level book" in which he shall record: First, all bench-marks, now or hereafter to be established. Second, all grades of main and lateral sewers, surface drains and the grades of all streets, when ordered to be established by the Common Council, the number of yards of excavation of sewers, the cost per yard of such excavation, the size and kind of material used in the construction of the same, the cost of said material, and the names of the

contracting parties thereto. Third, the number of yards of excavation and filling of streets, the cost thereof per yard, the kind and cost of material used in paving or planking streets, together with a detailed statement of all facts necessary to give a full and complete description of the kind and construction of pavements in every particular.

Sec. 4. He shall keep a "plat book" for the filing and preservation of plats and profiles; all plats and profiles shall be made on muslin-back paper, of uniform size, 18 by 24 inches. The profiles shall show the elevation, depth and grades of all sewers. The plats shall show the location, bearing, length and connections of all sewers, all boundaries located by order of the Common Council, all fixed monuments or controlling points, all disputed lines or boundaries, and the settlement or correction of the same, all recorded distances entered therein in black ink, and all actual measurements in red ink, and all such other information as he shall deem useful for future reference.

Sec. 5. He shall also keep a "field book," wherein he shall record at length a full description of the location of boundaries, their length, their course according to the true meridian, and their magnetic variations; the location of all fixed monuments or controlling points, their size and the material of which they are composed, with appropriate references to their location on the plat in the plat book.

All of said books shall be suitably indexed, and all plats pagged and numbered.

Sec. 6. It shall be his duty to report to the Common Council the nature and extent of all encroachments he shall discover to have been made on the streets, alleys or public grounds of the city, and to give notice to the City Marshall of all encroachments he shall discover about to be made; also of all attempts to construct

sidewalks otherwise than in accordance with the established grade.

Adopted February 11th, 1878.

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WOOD INSPECTOR.

**An ordinance to provide for the inspection of wood, and the duties of Wood Inspector.**

*Be it ordained by the Common Council of the city of Bay City :*

Section 1. There shall be appointed by the Common Council of Bay City, one Inspector, whose duties shall consist in the measuring of wood, and said Inspector may appoint so many assistants from time to time, to act in each ward in said city, as to him may seem necessary.

Sec. 2. It shall be unlawful for any person to expose for sale, or to sell within the limits of said city, from any wagon, sleigh, or other vehicle, any firewood which has not been inspected by the said Inspector or one of his duly authorized assistants, and for which the owner, driver, or person in charge of such team or vehicle, shall not have obtained from such Inspector or his authorized assistant, a certificate of the quantity contained in such load of wood, as also the quality of said wood ; and it is hereby made the duty of such Inspector or his assistant to grant such certificate to each and every applicant therefor, after actual measurement and inspection of such load of wood so presented to him or them at their regular office, upon receipt by him or them of the fees hereinafter provided for.

Sec. 3. It shall be unlawful for any person or persons to purchase any load of wood within the limits of said city, without having obtained from the seller of the same, the certificate of said Inspector or his duly authorized assistant, and it is hereby made the

duty of every such purchaser to destroy or cancel such certificate upon the delivery to him of every such load of wood.

Sec. 4. Such Inspector shall be entitled to receive for each such certificate so issued by him, the sum of ten cents for each and every load of wood so inspected by him from wagons, sleighs, or other vehicle; *Provided*, however, that the purchaser of any quantity of wood exceeding *five* cords may have the same piled up on his own property or premises, and afterwards inspected by said Inspector or his assistants, and the fees in such case may be such a sum as the said Inspector may charge, not in any case to exceed ten cents per cord, or less than three cents per cord.

Sec. 5. In the inspection of wood, the measurement shall be at the rate of 128 cubic feet to the cord, and in deciding the quality of the same, said Inspector shall be governed by the following schedule:

No. 1 wood.—Beach, hard maple and hickory, straight body wood, free from limbs.

No. 2.—Shall be mixed wood, including all except basswood, pine and hemlock, and may include not exceeding one-eighth in quantity good limbs.

No. 3.—Shall be basswood, pine, hemlock, and all other woods, in which are included limbs not exceeding one-quarter of the whole quantity.

Sec. 6. Any person violating any of the provisions of this ordinance, shall, on conviction thereof, be punished by a fine of not less than three nor more than ten dollars, with costs of prosecution, and imprisonment in the Bay County jail for a term not exceeding twenty days, or by either, in the discretion of the court, and if only a fine and costs be imposed, the court may sentence the offender to imprisonment in

said jail, until the payment thereof, for a term not exceeding twenty days. (1)

Adopted January 2d, 1866.

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HARBOR MASTER.

**An Ordinance relative to the navigation of the Saginaw river, and the appointment and duties of a Harbor Master.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. No person shall throw or deposit in the Saginaw river, within the limits of Bay City, any substance which may in any respect tend to injure the navigation thereof.

Sec. 2. No steamboat, or other vessel, shall anchor within one hundred feet of any wharf in said city; *Provided*, always, that nothing herein contained shall be construed to prevent any vessel from lying along side any dock, with the consent of the owner of said dock.

Sec. 3. All steamboats, tugs and other vessels, including lighters, shall keep on board during the night a conspicuous light, elevated at least six feet above decks.

Sec. 4. All steamboats and tugs coming to, or going from the docks, shall be moved under a low head of steam and slowly, so as not to endanger the docks or other craft in port.

Sec. 5. No person shall unload any boat or vessel at, or on, any of the public wharves or docks in said city, or otherwise place or deposit on any such wharf or dock, any stone, lumber, timber, firewood, coal or other material, without permission from the Harbor Master of said city.

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(1) As amended January 16th, 1882.

Sec. 6. The Common Council may annually appoint, on the first regular meeting in April, or at any regular meeting thereafter, a Harbor Master for the port of Bay City, who shall take and file with the Recorder the oath of office, and who shall hold his office for one year and until his successor shall be appointed and qualified, subject to removal under the charter. And in case of the sickness, or other disability of said Harbor Master, he may appoint a deputy, subject to the approval of the Common Council, to perform his duties during such sickness or disability. Such Harbor Master, when so appointed, shall receive for his services such compensation as said Common Council may deem reasonable.

Sec. 7. It shall be the duty of the Harbor Master to enforce the execution of the several provisions of this ordinance and all other ordinances regulating and preserving the navigation of said river, within the limits of said city, and to make complaint for the violation thereof.

Sec. 8. The said Harbor Master shall have authority to protect the owners and occupants of wharves and docks, within the limits of the city, in the free and undisturbed use of the same; and he is authorized to regulate the anchorage of all vessels lying within said city limits, and to give such orders and directions relative to the location and change of station of any steamboat, tug or other vessel, as shall be for the interest of trade and navigation, having respect at all times to the rights of occupants of wharves and docks; and to this end he shall have full authority to go on board of and move any steamboat, tug or vessel that shall be without right or consent, occupying any of said docks or wharves, or anchored contrary to, or violating any of the provisions of this ordinance; and every owner, captain, master, consignee or other

person, having in charge any such steamboat, tug or vessel, shall be liable to the penalties of this ordinance for refusing to comply with such order or direction; and any person who shall obstruct, hinder or resist said officer, in going aboard of any such steamboat, tug or vessel, or when he has boarded the same in conformity to the powers herein vested in him, shall, on conviction thereof, be punished as hereinafter provided.

Sec. 9. Whenever the Harbor Master shall receive a written or verbal complaint or information, or in any manner know of a violation of this ordinance, it shall be his duty, forthwith, to repair to the place where such violation has occurred or is occurring, and to exercise any and every power vested in him to enforce this ordinance, and to complain of the person or persons guilty of such violation, and if such Harbor Master shall refuse or neglect to comply with the provisions of this section, he shall be punished by a fine of not exceeding twenty-five dollars and costs of prosecution, or by imprisonment not exceeding twenty days, or both such fine and imprisonment, in the discretion of the court.

Sec. 10. Any violation of, or failure to comply with the provisions of this ordinance, or any of them, or failure or neglect to comply with any orders or directions of such Harbor Master, given in accordance with the provisions of this ordinance, shall be punished by a fine not exceeding two hundred dollars and costs of prosecution, or by imprisonment in the county jail of Bay County for any period of time not exceeding six months, or by both such fine and imprisonment, in the discretion of the court, and if only a fine and costs be imposed, the court may make a further sentence that the offender be imprisoned in said county jail until the payment thereof, for a term not exceeding sixty days.

Adopted November 28th, 1881.

## COMMISSIONERS OF WATER WORKS.

**An ordinance providing for the appointment of Commissioners of Water Works and prescribing their powers and duties.**

*It is hereby ordained by the Common Council of Bay City as follows, to-wit :*

Section. 1. The Common Council shall, as soon as may be after the passage of this ordinance, appoint five suitable persons, one from each ward, citizens of Bay City, Commissioners, who shall constitute a board to be known and called the Board of Water Works, one of whom shall be appointed for one, one for two, one for three, one for four, and one for five years, and each until his successor is appointed ; and at the expiration of one year from such first appointment, and each year thereafter, one Commissioner shall be appointed annually for the term of five years.

Sec. 2. Said Commissioners shall receive no compensation for their services as members of said board, and they shall not be subject to removal from office except by a vote of two-thirds of all the aldermen elect or by the repeal of this ordinance. In case of vacancy in said board the Common Council shall appoint for the unexpired term. No member of said board shall at any time be interested, directly or indirectly, in any contract for labor, materials or supplies for or on account of the constructing, operating or repairing the water works within and for Bay City, and no member of said board shall at any time be a member of the Common Council of Bay City.

Sec. 3. After the members of said board shall have received notice of their appointment and filed their acceptance of the same with the Recorder, they shall organize by choosing one of their number president, who shall hold such office for one year, and perform such duties as are usually required of a presiding offi-

cer, together with such other and further duties not inconsistent with this ordinance as may be required of him by said board, and by appointing a secretary and such other officers and committees as they may deem necessary. The said board shall also have full power and authority to appoint, employ and pay from the funds at their disposal, such officers, agents and persons as in their opinion may be necessary to enable them to manage in the best manner the business under their charge. In appointing such officers and agents the board shall also have power and it shall be their duty to take proper security, by bond or otherwise, for the due and faithful performance of their duties as such officers or agents, provided, however, that said board may, in its discretion, dispense with such security as to those officers and agents not entrusted with the collection or disbursement of funds placed under the control of the board; *Provided*, also, further, that salaries allowed permanent officers and agents of said board shall be submitted for the approval of the Common Council, and the same duly approved, before any payment thereon shall be made.

Sec. 4. The said board shall have full, complete and entire charge, management and control of the planning, constructing, operating and repairing all works of every kind whatsoever hereafter to be constructed and used for the purpose of supplying Bay City and the inhabitants thereof with water, and they shall purchase all materials and supplies therefor, including right of way for pipes, grounds for location of all necessary buildings and structures, and shall make all contracts pertaining thereto, subject, however, to the limitations in section five (5) of this ordinance. The conveyances of such right of way, and the title to all grounds so purchased, shall be taken in the name of Bay City, and said water works and everything per-

taining or belonging thereto shall be the property of said city, and all contracts and purchases made by said board shall be in the name of Bay City.

Sec. 5. When said board shall have completed their plans and made their estimates of the cost of the works they propose to construct, they shall, before making any purchases or letting any contracts therefor, report the same to the Common Council and obtain their approval of the same; and the said board shall at no time, and in no event, enter into any contract or contracts or in any way pledge the credit of Bay City for a greater sum than the amount placed at their disposal, and to be known as the water works fund; and the said board shall in no case or event obtain or seek to obtain a supply of water from any other place than the Saginaw Bay; and the said board shall ascertain as soon as possible the cost of laying down the main pipe or pipes from the bay to the southern limits of the city, together with the cost of the works, and if it shall be found that a balance of the funds provided for said works shall remain unexpended, that such balance shall be so appropriated as to be expended in each of the wards in laying down distributing pipes, to the end that each ward may receive its due proportion of the benefits of said fund.

Sec. 6. All moneys raised by loan or otherwise for the construction, management and repair of any and all works for supplying the city and the inhabitants thereof with water, as well as for the purchase of supplies, materials, right of way and grounds therefor, together with all sums in any way appropriated for that purpose, including all sums to be collected for water rates, shall be deposited with the City Treasurer and credited by him to the water works fund, and shall remain to meet the liabilities incurred by said board and shall not be withdrawn or used for any other pur-

pose. The said board shall on or before the last day of each month, and oftener when necessary, make out an estimate in writing, setting forth in items, under general and separate heads, the sums which will be required by them for disbursement at the close of such month, or at such other time as therein mentioned, stating therein briefly the objects for and on account of which payments are to be made by them, and file the same with the City Recorder; thereupon a warrant shall be drawn by said Recorder payable to said board, or to such person as shall be appointed treasurer or financial agent of said board, for the amount of such estimate, be countersigned by the Mayor and Comptroller and paid by the City Treasurer out of the water works fund.

Sec. 7. The said board shall keep or cause to be kept full and complete books of account of the business done by them, showing fully their receipts and disbursements, which books shall at all reasonable times be open to inspection; they shall also keep an office in Bay City; shall make and preserve full minutes of their proceedings, and once in each month report to the Common Council the amount of their disbursements during the last preceding month, the nature, condition and progress of any work or contract undertaken or entered into by them, together with such other information relating to the business or any part thereof under their control, as the Common Council may from time to time direct.

Sec. 8. As soon as said water works are constructed, or before, the said board shall prepare and submit to the Common Council for their approval, proper rules and regulations fixing the rates to be paid for water supplied, and prescribing the time and mode of collecting the same, regulating the manner of making connections, providing for the safety of the pipes and machin-

ery, together with such other and further matter pertaining thereto as they may deem expedient. \*

Sec. 9. The said board may, however, for the time being, make the proper connections between the Saginaw River and the receiving wells at a point near where the pumping machinery is now located and take from said river in the proper manner a supply of water, until the proper connection can be made with the Saginaw Bay, after which the use of said connection with said river shall be dispensed with, excepting only at such time or times as by reason of defects of machinery or apparatus a supply of water cannot be obtained from the bay for fire purposes. *Provided*, that nothing herein contained shall retard or delay the laying of the pipes to the bay. (1)

Adopted September 6th, 1871.

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**Ordinance providing for the appointment of two additional Commissioners of the Board of Water Works.**

*It is hereby ordained by the Common Council of Bay City, as follows:*

Section 1. The Common Council shall as soon as may be after this ordinance takes effect, appoint two suitable persons, citizens of Bay City, one from the sixth and one from the seventh ward, Commissioners of the Board of Water Works, one of whom shall hold his office for one, and the other for two years, and until their successors shall respectively be appointed and qualified, and at the expiration of said terms respectively, their successors shall be appointed for the term of five years and until their successors respectively shall be elected and qualified.

Sec. 2. The commissioners to be appointed by virtue of this ordinance shall have the same qualifications,

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(1) Section added August 19th, 1872.

possess the same powers, be subject to the same liabilities and disabilities, and shall perform the same duties as commissioners of said board heretofore appointed under the ordinance now in force.

Sec. 3. The powers, duties and responsibilities of the present board of water works as prescribed by the ordinance now in force, shall in no way be enlarged, restricted or modified by this ordinance, further than that said board shall hereafter consist of seven instead of five commissioners.

Adopted July 14th, 1873.

## II.

### OF STREETS, ALLEYS AND PUBLIC PLACES.

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#### USE OF STREETS, &C.

**An ordinance relative to the use and protection of streets, alleys and other public places.**

Section 1. *Be it ordained by the Common Council of Bay City*, That no person shall place, by himself or another, any stone, timber, lumber, planks, boards, bricks or other materials, in or upon any street, alley or other public space, except for the purpose of building, and not for that purpose except under permission first obtained from the Common Council; and such materials shall not be allowed to remain in such street, alley or public space after the completion of such building, or the part or portion of such building for which such materials are required, or for a longer period than three months, and the same shall not be allowed to occupy and obstruct more than the one-third of any street or alley; and after such building has been completed, all building material, dirt and rubbish arising therefrom shall be removed.

Sec. 2. No person shall dig or tear up any pavement, side or cross-walk, or dig any hole, ditch, drain or sewer in any street, alley or other public space; or dig or extend any cellar up to or into any street or under any sidewalk, without permission first obtained from the Common Council; and it shall be the duty of any person digging or tearing up any pavement, side or cross-walk, or digging any hole, ditch, drain or sewer in any street, alley or other public space, as speedily as practicable to repair and put the same in

as good order and condition as before ; and in order to do this, such person shall pound down the earth so as to make it firm and solid. and if the earth shall settle, such person shall fill the same from time to time as may be necessary ; and any person digging in any street, alley, or other public space for any of the purposes hereinbefore mentioned, or for any purpose whatever, shall erect and maintain a good and sufficient fence, railing or barrier around such excavation, in such a manner as to prevent accidents.

Sec. 3. Any permission given under the foregoing sections shall be upon the express conditions that the person asking for such permission, or for whose benefit such materials are deposited or work done, or the owners of any lot in front of or on which such cellar may be dug, shall in addition to the penalties prescribed in this ordinance, be severally liable for all damages which the city may incur by reason thereof, to be recovered by the city in an action of assumpsit ; and all persons asking and accepting such permission, or permitting materials to be deposited, or work done under the same, shall be deemed and considered to have consented and agreed to the terms and conditions of this section, whether the same shall have been referred to, or such conditions set forth in the resolution of the Common Council granting such permission or not, and that this section shall have the same force and effect as though a written contract was entered into and executed between said city and such person or persons.

Sec. 4. No person shall himself, or by another, throw, place, deposit or leave in any street, highway, lane, alley, public space or square, any animal or vegetable substance, dead animal, fish, shells, shavings, dirt, rubbish, excrement, filth or any other article or substance whatever, which may cause any offensive or unwholesome smell.

Sec. 5. No person shall leave any horse, mule, oxen or team in any street, alley or public space, without being sufficiently tied; and no person shall halt any wagon, cart, carriage, sleigh or other vehicle on any crossway or footway.

Sec. 6. No person shall drive, lead, draw, ride or back any horse, mule, ox, cow or other animal or team, cart, wheel carriage or velocipede on any sidewalk.(1)

Sec. 7. No person shall move, or cause to be removed, or aid or assist in removing any building into, along or across any street, alley or other public space, without permission first obtained from the Common Council or street commissioner.

Sec. 8. No person shall keep or maintain on any sidewalk, any wagon or stand for the sale of goods, wares or merchandise, vegetables or fruits, or place any boxes, barrels or other article on such sidewalk, except within three feet from the wall of his or her house or store.

Sec. 9. No person shall ride or drive any horse, carriage, sleigh or other vehicle, through any street or avenue, at a faster rate than six miles per hour.

Sec. 10. No person shall make or continue any cellar door, window or area so that the same shall extend more than four feet beyond the line of any sidewalk, and all areas shall be protected by sufficient grating or illuminated pavement, and every entrance or flight of steps projecting beyond the line of the sidewalk and descending into any cellar or basement story, where such entrance or flight of steps shall not be covered, shall be enclosed with a good permanent railing, put up not less than three feet high, and such steps and railing shall not occupy more than one-fifth of the width of the sidewalk.

Sec. 11. No person shall himself, or by another,

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(1) As amended September 28th, 1869.

throw, place, deposit or leave in any street, highway, alley, public space or square, any earth, clay, dirt, sawdust, slabs, cordwood, edgings, brick, plaster, mortar, sand or stone without the permission of the Common Council or street commissioner, or dig, remove or carry away any earth or soil from any street, alley, public place or square, without like permission; but nothing in this section shall be construed as prohibiting parties from piling cordwood or slabs for fuel against their fence in the alley, provided they do not use or occupy more than four feet in width in such alley.

Sec. 12. No wooden post for the purpose of supporting any awning, shall be erected or set up in any street, avenue or public space, and all iron posts erected for the purpose of supporting awnings, shall be not less than eight feet in height, and to be placed next to and alongside the curb stone; and no rails or strips of board shall be used to connect such posts with the buildings.

Sec. 13. No awning, or cloth or canvass used as an awning, shall be permitted to hang within seven feet of the sidewalk. (1)

Sec. 14. No person shall suspend from any house, shop or store, into or over any street, alley or other public space, any lamp, sign, goods, clothes, wares or other article or substance, so that the same shall extend or project from the wall or front of such building more than three feet.

Sec. 15. No person shall play any game of nine or ten pins, ball, wicket or other games in any street, alley or other public space.

Sec. 16. No posts, except iron posts, for the purpose of supporting awnings, or hitching horses, shall be erected or put in any street, alley or public space,

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(1) As amended September 4th, 1871.

without the permission first obtained from the Common Council.

Sec. 17. It shall not be lawful to gather in crowds on any sidewalk, or in any street, so as to obstruct travel therein or encumber the same.

Sec. 18. Any violation of the provisions of this ordinance shall be punished by a fine not to exceed one hundred dollars and costs of prosecution, and imprisonment in the county jail not exceeding three months, or either, in the discretion of the court, and if only a fine and costs be imposed, the court may make a further sentence, that the offender may be imprisoned in the county jail or the Detroit House of Correction until the payment thereof, for any period of time not exceeding three months.

Sec. 19. Each day that any excavation mentioned in section two of this ordinance shall be permitted to remain without the proper railing and barriers, as provided in said section, shall be deemed a distinct and separate offense, and may be punished as such in the manner provided in section eighteen of this ordinance.

It is hereby made the duty of the marshal, deputy marshals, police and street commissioner of the city to see that the provisions of this ordinance are faithfully observed, and to make complaint for all violations of the same.

Sec. 20. No person shall allow the accumulation of snow or sleet on the sidewalk adjoining to any premises owned or occupied by him or her, to a greater depth than one inch for a greater length of time than 12 hours, after the cessation of any storm of snow or sleet; and when ice is formed on any sidewalk, it shall be the duty of the owner or occupant of the premises adjoining thereto, to remove the same as soon as practicable after the same has formed, and to cause

a sufficient quantity of salt, sawdust, sand or ashes to be strewn on the sidewalk in such manner as will render it safe for persons walking thereon. (1)

Sec. 21. Every owner or occupant of any house or building, and every owner of, or agent for, the owner of any lot within Bay City, shall keep the sidewalk in front of or adjoining to any such building, house or lot, free from all dirt, filth, rubbish, encumbrances and obstructions. Any violation of, or failure to comply with any of the provisions of this section or of section twenty, shall be punished in the manner prescribed in section eighteen of this ordinance.(1)

Adopted May 11th, 1869.

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#### SIDEWALKS.

**An ordinance to regulate the construction of sidewalks, and to provide for defraying the expenses thereof.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. All sidewalks ordered constructed by the Common Council shall be built as follows, when not otherwise specified in the resolution ordering the construction of the same, to-wit: The street upon which any sidewalk is ordered to be built, or such portion thereof as may be deemed necessary by the board of public works, shall be surveyed and the ground leveled and graded as may be required to make the same conform to the grade established ; the sidewalk shall be built of good sound white or norway pine, oak or hemlock plank, not less than two inches thick and twelve inches wide, when laid lengthwise, and of like thickness, and not more than eight nor less than five inches wide, when laid crosswise ; said plank shall be laid on sleepers not less than four by four inches; said

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(1) Sections added January 16th, 1882.

sleepers shall be not more than four feet apart from center to center, when the planks are laid lengthwise, and not more than three feet apart from center to center, when the plank are laid crosswise; said planks shall be nailed with thirty-penny nails, with at least three nails in each plank at each bearing when the planks are eight inches or more in width, and two nails in each plank at each bearing when the planks are laid crosswise and are less than eight inches in width. The crosswalk at the crossing of any street shall be constructed of plank at least three inches in thickness, and not more than twelve inches in width, and shall be nailed to sleepers four by five inches in breadth and thickness; the ends of the sleepers shall project beyond the side of the crosswalk and shall be beveled for side planks of three inches in thickness; the planks in all such crosswalks shall be spiked to the sleepers with sixty-penny nails, with at least three nails in each plank at each bearing; the sleepers under such crosswalks shall be four feet apart from center to center. All sidewalks shall be six feet wide unless otherwise specified in the resolution ordering the same; and when the planks are laid lengthwise they shall be so laid as to break joints, and double sleepers laid underneath all joints, one inch apart.

Sec. 2. All sidewalks shall be of such material and form of construction as shall be ordered by the Common Council, and whenever a sidewalk of other width, material or form of construction, than that specified in section one of this ordinance, shall be so ordered, the width, material and form of construction thereof, shall be specified in the resolution ordering the same.

Sec. 3. Whenever the Common Council shall order any sidewalk to be built, it shall be the duty of the board of public works, before making any contract for the building of the same, to notify the owner, agent

or occupant of any lot in front of, or adjacent to which, such sidewalk is to be constructed, to build the same within such time as they may direct, not to exceed fifteen days from the date of service of said notice; said notice shall be either written or printed, and shall specify the kind of walk to be built, as determined by the Council and board of public works; and it shall be the duty of the board of public works to keep a record book, and to enter therein memoranda of the time and manner of service of such notices, the names of the persons upon whom served, when the same shall be known, and the name of the persons serving said notices; when the owner, agent or occupant of said premises does not reside in Bay City, or said premises are unoccupied, and said owner, agent or occupant cannot be found, it shall be sufficient to post said notice in some conspicuous place on said lot or as near thereto as practicable.

Sec. 4. In all cases where notices shall have been served, as provided in the preceding section, and the sidewalk ordered or any portion thereof shall not have been built and completed in a satisfactory manner, and as provided by this ordinance or the resolution ordering the same, within the time limited in such notice therefor, it shall become and be the duty of the board of public works to estimate the cost of constructing the same, which estimate shall include the cost of surveying and grading, if any, and to make plans and specifications, if necessary; and if the estimated cost of constructing any such sidewalk or unbuilt portion thereof, shall be less than two hundred dollars, the board of public works shall contract with such persons as they may deem suitable, for the performance of said work, without advertising for proposals for such work, provided, however, that sufficient security shall be required from the person so contracting, and

that such contracts shall contain similar provisions, be in similar form, and governed by the same regulations, as nearly as possible, as the contracts hereinafter provided for.

Sec. 5. Whenever the estimated cost of constructing any sidewalk, or unconstructed portion thereof, shall exceed the sum of two hundred dollars, it shall be the duty of the board of public works to advertise for six consecutive days in the official paper of Bay City, for proposals for constructing the same, according to the plans and specifications on file in the office of said board, the requirements of this ordinance or the resolutions of the Common Council. Such advertisement shall specify a time and place when said proposals shall be opened by the said board, in the presence of such persons as shall choose to attend. The said board shall have the right to reject any or all of such bids, and to re-advertise for new proposals, if it shall be deemed best so to do. Each bid shall be accompanied by the name or names of the proposed surety or sureties for the faithful performance of the work. At the next meeting of the Common Council, after the reception of such bids, the said board shall report to the said Council the estimates of said board for the construction of said sidewalk, and the name or names of the lowest responsible bidder therefor, the amount of his bid and the name or names of the surety or sureties proposed by such bidder or bidders for the faithful performance of the work.

Sec. 6. In all cases where bids are reported to the Common Council, as provided in the preceding section, the Common Council may, by order or resolution, direct the said board to enter into a contract with such bidder for the construction of said sidewalk; or the Council may direct further advertisement for proposals, in its discretion, and then direct said board to contract

with such lowest bidder furnishing proper security as aforesaid.

Sec. 7. Upon the passage of the resolution or order, provided for in the last section, the board of public works shall forthwith proceed to enter into a contract, in the name of Bay City, with the party designated in said resolution, and take sufficient security for the faithful performance of said work; and the said board may, in its discretion, require such bidder to furnish other and further security than that proposed by him.

Sec. 8. Said contract shall provide that the sidewalks be built in accordance with the requirements of this ordinance or the resolutions of the Common Council, (and the plans and specifications of said Board, which shall be deemed a part of said contract,) and within such reasonable time as the Board may direct, that the contractor shall be paid for such work out of the moneys assessed and collected from the persons and property taxed for the construction of said sidewalks, as provided by the charter, by orders drawn on such fund for the amount payable according to such contract; that all such work shall be done under the supervision of the Board of Public Works and City Surveyor, and shall be subject to such directions as the Board may deem best to give, in order to secure efficient work, and said contract may contain such other provisions, relating to such work, as the said Board may deem for the best interest of the city, and not contrary to the charter and ordinances.

Sec. 9. It shall be and is hereby made the duty of the Board of Public Works to report to the Common Council all cases which shall come to their knowledge, where sidewalks need to be built or repaired, with the recommendation of said Board in reference thereto; and when said Board shall recommend the construction

of any sidewalk, they shall accompany such recommendation with the draft of a resolution, in proper form, to be acted upon by the Common Council, as said Council shall deem best.

Sec. 10. Whenever the Common Council shall order the construction of any sidewalk, as authorized by the charter, the Comptroller, Board of Public Works and the Treasurer shall each be charged with, and perform the same duties in respect to said sidewalk, and the making of an assessment roll therefor, and the collection of the tax thereon assessed, as are provided by the charter in respect to other local improvements, the expense of which is made a charge on the property specially benefited thereby, according to the benefit derived therefrom; provided, that when a sidewalk is built, the entire expense of which is to be paid by the city, no assessment roll shall be made.

Sec. 11. The duties of the Board of Public Works shall be the same in relation to the construction of sidewalks in front of, across or upon public property, as in the case of private property; provided, that where a sidewalk is built, the cost of which is to be paid wholly by the city, no assessment roll shall be made therefor by the Comptroller, but the cost thereof shall be paid out of the city general fund.

Sec. 12. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Adopted August 8th, 1881.

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**An ordinance relative to the building and repairing of sidewalks.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. No person or persons shall build, or cause to be built, any sidewalk in said city, unless the same be built according to the grade established therefor, or

which may be established as provided in section 3 of this ordinance; nor shall any person make any repairs to any sidewalk in such a manner as to change the grade thereof without first applying to and obtaining the permission of the board of public works, and all such repairs shall be made under the supervision of the said board and the street commissioner.

Sec. 2. All sidewalks shall be constructed in accordance with the provisions of section one of "An ordinance to regulate the construction of sidewalks and to provide for defraying the expenses thereof," adopted August 8th, 1881; provided, however, that the board of public works may on application thereto, in its discretion, permit the building of a sidewalk in a different manner and of such material as may be desired, if in their opinion a good and sufficient walk may be so constructed, and all persons receiving permits from said board for so constructing sidewalks shall be subject to, and shall observe all such directions in relation thereto, as said board may deem best to give, and unless such walk be built with the permission of, and in a manner satisfactory to, said board, and according to the established grade, it may be ordered rebuilt by the common council under the provisions of the ordinance regulating the construction of sidewalks above referred to.

Sec. 3. It shall be the duty of the board of public works, on application to it by any person desirous of building any sidewalk, to cause to be established and marked with stakes the proper grade therefor, unless such grade has been previously established and indicated as aforesaid.

Sec. 4. Any person violating any of the provisions of sections one and two of this ordinance shall, on conviction thereof, be punished by a fine of not more than fifty dollars and costs of prosecution, and in the im-

position of any such fine and costs, the court may sentence the offender to imprisonment in the Bay county jail until the payment thereof, for a term not exceeding sixty days.

Sec. 5. An ordinance entitled "An ordinance relative to building and repairing sidewalks," adopted July 26th, 1880, is hereby repealed.

Adopted February 13th, 1882.

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#### PAVING AND PLANKING STREETS.

**An ordinance relating to the paving and planking of streets.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. The Common Council shall not order any street paved or planked unless a majority of the resident taxpayers, as appears from the last assessment roll, whose property will probably be liable to assessment for such improvement, petition therefor; provided, that the council may by a vote of two thirds of the aldermen elect, order any street paved or planked.

Sec. 2. Whenever the Common Council shall order any street paved or planked, the resolution or order shall, when a pavement is ordered, specify the kind of pavement to be used, and when planking is ordered, it shall specify the dimensions of the plank and the manner in which the same shall be laid, and the council may make such other directions in relation to such paving or planking as it shall deem best.

Sec. 3. Upon the adoption of the resolution or order of the Common Council directing the paving or planking of any street, it shall be the duty of the board of public works forthwith to estimate the cost of such paving or planking, including grading necessary therefor, and to cause all necessary surveys and specifications therefor to be made, and report the same to the

Common Council with such recommendations in the premises as they may deem advisable.

Sec. 4. Whenever the estimated cost of such paving or planking, as approved by the Common Council, shall exceed the sum of two hundred dollars, it shall be the duty of the board of public works, forthwith to advertise for proposals for supplying the materials for, and the performance of such work and all necessary grading therefor, according to the specifications furnished by said board, and the directions of the Common Council made in the premises, which advertisement shall be published for at least ten days (Sundays excepted,) in the official newspaper of the city. Such advertisement shall specify the time and place, when and where said proposals will be opened by said board in the presence of such persons as choose to attend. Said board shall have the right to reject any or all proposals, and to advertise for new proposals as often as may be necessary. Each proposal shall be accompanied by the name or names of the proposed surety or sureties for the faithful performance of the work and the furnishing of the materials therefor.

The agreement to become such surety shall be in substantially in the following form:

I———hereby agree to become surety for——— in such sum and form, and under such conditions as the board of public works may require, in case the contract is awarded to said———for paving (or planking as the case may be,)———street, (within such limits as may be directed,) and supplying the necessary material therefor.

Sec. 5. At the next meeting of the common council, or as soon as practicable, after the reception and examination of said proposals, provided said proposals be satisfactory, the said board shall report to the common council the name or names of the lowest respon-

sible bidder or bidders for such paving or planking, the amount of the bid and the name or names of the proposed surety or sureties for the faithful performance of the contract, and they shall also, when required by said council, report the name or names of the other bidders and the amounts bid.

Sec. 6. In all cases where bids are reported to the common council, as provided in the preceding section, the common council may, by order or resolution, direct the said board to enter into a contract with such lowest responsible bidder, for the performance of such work and furnishing the material therefor, or the council may direct further advertisement for proposals in its discretion, and then direct said board to contract with the lowest responsible bidder furnishing proper security as aforesaid who may be approved of by said council.

Sec. 7. Upon the passage of the order or resolution provided for in the last preceding section, the board of public works shall forthwith enter into a contract in the name of Bay City with the party designated in such resolution or order, and take sufficient security for the faithful performance of the work, in such form and under such conditions as said board may determine, and it may require such party to furnish other and further security than that proposed by him.

Sec. 8. All such contracts shall be in accordance with the provisions of the charter relating to contracts by the board of public works, and shall provide that the paving or planking shall be done according to the specifications of said board, the surveys made therefor and such directions pertaining thereto, as the common council may deem best to give; that the contractor or contractors shall be paid for such work out of the moneys assessed on, and collected from the persons and property taxed for such work, as provided by the

charter, by orders drawn on such fund for the amount payable according to such contract; that all such work shall be done under the supervision of the board of public works, and shall be subject to such directions, as said board may deem best to give to secure efficient work; and said contracts may contain such other provisions relating to such work, as the board may deem for the interest of the city, and not contrary to the charter or this ordinance. All such contracts shall be executed in accordance with section 66 of the charter.

Sec. 9. Whenever the estimated cost of paving or planking any street, including the grading necessary therefor, shall not exceed the sum of two hundred dollars, the board of public works shall contract with such person or persons as they may deem suitable for the performance of said work, and furnishing the materials therefor, without advertising for proposals therefor; provided, however, that sufficient security shall be required from the person or persons so contracting, and such contracts shall contain similar provisions, be in similar form, as near as may be, and be governed by the same regulations as nearly as possible, as the contracts hereinbefore provided for.

Sec. 10. Whenever the common council shall order any street paved or planked, as authorized by the charter, the comptroller, board of public works and the city treasurer, shall each be charged with the performance of all the duties in respect to such work, and the assessment and collection of the tax therefor, and all other matters pertaining thereto, prescribed by the charter in respect to local improvements, the expense whereof is made a charge upon the property specially benefited thereby.

Sec. 11. Whenever the common council shall order any street to be macadamized or covered with broken

or pounded stone, the same proceedings shall be had, as near as may be, in all respects as herein provided for the paving or planking of streets.

Sec. 12. All lots and premises assessed for the paving of any street shall be exempt from the payment of any highway tax for the period of eight years, and property so assessed for the planking of any street shall be exempt from the payment of any highway tax for the period of four years.

Sec. 13. An ordinance, entitled "an ordinance relative to paving and planking streets, and to provide for the collection of taxes to defray the expenses thereof, adopted June 18th, 1869, and all amendments thereto, be and the same are hereby repealed, provided, however, that such repeal shall not affect any proceedings had thereunder, and which are now pending and unfinished.

Adopted January 16th, 1882.

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#### CLEANING STREETS AND ALLEYS.

**An ordinance relative to cleaning streets and alleys.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. It shall be the duty of each owner or occupant of any premises in Bay City to clean that portion of the street or streets in front of, and adjoining to, any such premises, up to the center of such street or streets, and that portion of the alley, in the rear of, or adjoining to, any such premises up to the center of such alley, at least once in each week, and at such other times as the chief of police, or the chairman of the board of health may direct.

Sec. 2. Any person neglecting or refusing to comply with the provisions of this ordinance, or neglecting or refusing to clean such streets or alleys, within twenty-four hours after being directed so to do by either of

the officers named in the preceeding section, shall be punished by a fine not exceeding twenty-five dollars and the costs of prosecution, and by imprisonment in the common jail of Bay county for a term not exceeding twenty days, or by either, in the discretion of the court, and if only a fine and costs be imposed, the court may make a further sentence, that the offender be imprisoned in said jail until the payment thereof, for a term not exceeding twenty days.

Sec. 3. An ordinance entitled "An ordinance relative to cleaning streets and alleys," adopted June 1st, 1869, and all other ordinances contravening the provisions of this ordinance are hereby repealed.

Adopted November 28th, 1881.

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#### SHADE TREES.

**An ordinance to regulate the planting of shade trees upon the sides of streets.**

*It is hereby ordained by the Common Council of Bay City, as follows :*

Section 1. Any person or persons owning or occupying land adjoining any of the opened and travelled streets of this city, may plant or set out trees in regular rows within twelve feet of the margin of the street opposite his premises, and for each tree so set out he may be credited fifty cents on his highway tax; provided, the amount so credited does not exceed twenty-five per cent. of the entire amount of the highway tax of said person.

Sec. 2. Any person desiring the benefit of this provision, must report the number of trees so planted to the street commissioner, and if the said commissioner approves the manner of setting out said trees, he shall report the same to the city treasurer.

Sec. 3. The city treasurer, upon receiving said report, shall credit the person assessed for the taxes of the

property opposite which said trees are set out with fifty cents for each tree ; provided said amount does not exceed twenty-five per cent. of his highway tax in any one year, and shall be credited upon the highway tax for the succeeding year, subject to the provisions of the act of the Legislature, approved March 27th, 1867.

Adopted May 9th, 1870.

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#### VELOCIPEDES.

**An ordinance to prevent velocipedes from running upon sidewalks.**

*It is hereby ordained by the Common Council of Bay City, as follows :*

Section. 1. No person shall ride and propel any two-wheeled velocipedes upon and along any of the sidewalks in this city.

Sec. 2. Any person violating the provisions of section one of this ordinance, shall, on conviction thereof, be punished by a fine of not exceeding \$10 and costs, or by imprisonment in the county jail of Bay county not exceeding five days.

Adopted November 10th, 1879.

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#### THROWING PAPER IN STREETS.

**An ordinance to prevent the throwing of paper into streets, &c.**

Section 1. *It is hereby ordained by the Common Council of Bay City :* That no person shall, by himself or by another, throw, place, deposit or leave any loose paper in any street, highway, lane, alley, public space or square in this city.

Sec. 2. Any person violating the provisions of this ordinance shall be punished by a fine not to exceed fifty dollars and costs of prosecution, and by imprison-

ment in the county jail not to exceed two months, or either, in the discretion of the court, and if only a fine and costs be imposed, the court may make a further sentence that the offender be imprisoned in the Bay county jail until the payment thereof; provided, however, that the period of such imprisonment shall not exceed two months.

Adopted August 18th, 1873.

#### FOUNTAINS.

##### **An ordinance relative to public fountains.**

Section 1. *It is hereby ordained by the Common Council of Bay City:* That any person interfering with or injuring any of the public fountains in said city shall be liable to the city for the costs of repairing, and if any person shall be convicted of wilfully interfering or injuring any of said fountains, he shall be punished by a fine of not less than five dollars and not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment, in the discretion of the court; and in imposing any fine and costs, the court may make a further sentence, that the offender be imprisoned in the county jail until such and costs be paid; provided, such imprisonment shall not exceed sixty days.

Adopted September 13th, 1875.

#### TELEGRAPHIC, TELEPHONIC AND ELECTRIC LINES.

**An ordinance to regulate and control the use of streets, public places and buildings in Bay City by corporations, companies or individuals engaged in using, operating or maintaining telegraphic, telephonic or electric light lines.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. Before any corporation, company or in-

dividual owning or operating any lines of wire known as telegraph or telephone lines and used or to be used for purposes of communication and correspondence, and before any corporation, company or individual owning any line of wire used or to be used to convey electric currents for illuminating purposes, shall enter upon or use any of the streets, lanes, alleys or other public grounds of the city for the purposes aforesaid, an ordinance shall be passed by the city council granting to such corporation, company or individual the right to erect, operate and maintain such lines of wires within the city limits upon such streets, avenues, alleys, or other public grounds as the said council may designate (from time to time), and under the rules and regulations herein prescribed, and subject to all regulations and restrictions that said council may at any future time see fit to impose.

Sec. 2. That whenever after the passage of the necessary ordinance granting the right to erect and maintain such lines as provided in section one of this ordinance, any such corporation, company or individual shall desire to use any particular street, lane or alley or other public ground for the purposes aforesaid, written application shall be made to the common council stating the route proposed and giving the names of all such streets, lanes or alleys, etc., desired to be so used with the position and general plan for the erection of poles or other supports of such wires or lines.

Sec. 3. That no line or lines erected as herein provided shall be so placed as to injure the support or working of the lines of any other company or individual previously erected, or in any way to injure, obstruct or inconvenience any public or private driveway, passage way, street, lane, alley, park, public square or shade trees, or so as to injure or obstruct any sewer, water or gas pipe.

Sec. 4. Unless otherwise directed by the common council such poles or support shall be placed in and along the sidewalk and within one foot of the curb line, and in no cases shall such wires approach nearer than 21 feet to the surface of the street, lane, alley, passage or drive-way or public ground over which such line or lines may pass, provided, that electric light wires shall run one foot below any other wires they intersect.

Sec. 5. The conductors or wires used to convey the electric current for illuminating purposes shall be placed on poles or supports separate and distinct from all other poles or supports, and the said wires or conductors shall be kept separate and distinct from all other wires or conductors, and wherever the said electric light wires or conductors, shall cross or intersect with any other conductor or wire, the first aforesaid shall run under the last aforesaid at a distance of at least one foot, nor shall the said electric light wires approach nearer to any other conductor or wires than the aforesaid distance in any relative position whatever.

Sec. 6. All such electric light wires or conductors, when affixed to any building or dwelling for the purpose of entering therein, shall be attached to carefully insulated supports of glass, and the said wires from the point where they enter the building shall be carefully insulated with gutta percha or some other nonconducting substance. On the exterior of any such building in which the electric light is used, and in an accessible position, there shall be placed by the company or individual owning or operating said electric light line, an instrument by means of which the electric current entering said building may be absolutely cut off therefrom. This provision shall be construed to exclude the use of a mere switch or shut-off for the

current, it being intended that the current may be absolutely diverted from any building without disturbing the main circuit. Every such instrument shall be provided with a key, to be kept in some convenient place, and with printed instructions as to the manner of cutting off the current. No such electric light wires or conductors shall be affixed, attached to or allowed to touch any building, except for entering therein for illumination, and in the manner above described.(1)

Sec. 7. This ordinance, on and after its passage, shall be understood to apply to all such corporations, companies and individuals as are now in operation in the city, so far as the same relates to any extension or alteration of old, or the erection of additional or new lines of wire.

Sec. 8. This ordinance shall take immediate effect.  
Adopted October 31st, 1881.

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(1) As amended December 19th, 1881.

### III. OF SEWERS.

#### PUBLIC SEWERS.

##### **An ordinance relating to sewers.**

*It is hereby ordained by the Common Council of Bay City:*

Section. 1. All sewers now constructed, and which may hereafter be constructed within Bay City, shall be known as main sewers and lateral sewers. All sewers that drain directly into the Saginaw river, shall be known and designated as main sewers, and all others as lateral sewers.

Sec. 2. Whenever the common council shall order the construction of any sewer, it shall be the duty of the board of public works, forthwith, to estimate the cost of such sewer, and to cause all necessary surveys, plans and specifications therefor to be made, and report the same to the common council with such recommendations as they may deem advisable.

Sec. 3. All sewers shall be built of such material and of such dimensions as the common council shall direct.

Sec. 4. Whenever the estimated cost of constructing any main or lateral sewer, as approved by the common council, shall exceed the sum of two hundred dollars, it shall be the duty of the board of public works forthwith to advertise for proposals for building the same, according to the plans and specifications furnished by said board and the directions of the common council,

which advertisement shall be published for at least six successive days (Sunday excepted) in the official newspaper of the city. Such advertisement shall specify a time and place, when and where said proposals will be opened by said board in the presence of such persons as choose to attend. Said board shall have the right to reject any or all proposals, and to advertise for new proposals as often as may be necessary. Each proposal shall be accompanied by the name or names of the proposed surety or sureties for the faithful performance of the work. The agreement to become such surety, shall be in substantially the following form: I, ——, hereby agree to become surety for —— in such sum and form, and under such conditions as the board of public works may require, in case the contract is awarded to said ——, for constructing a —— sewer on——(giving a brief description of the location of the sewer.)

Sec. 5. At the next meeting of the common council, or as soon as practicable, after the reception and examination of said proposals, provided such proposals be satisfactory, the said board shall report to the common council the name or names of the lowest responsible bidder or bidders for said work, the amount of the bid and the name or names of the proposed surety or sureties for the faithful performance of the work, and they shall also, when required by said council, report the name or names of the other bidders and the amounts bid.

Sec. 6. In all cases where bids are reported to the common council as provided in the preceeding section, the common council may, by order or resolution, direct the said board to enter into a contract with such lowest responsible bidder for the construction of such sewer; or the council may direct further advertisement for proposals in its discretion, and then direct

said board to contract with the lowest responsible bidder furnishing proper security, as aforesaid, who may be approved of by said council.

Sec. 7. Upon the passage of the order or resolution provided for in the last preceeding section, the board of public works shall forthwith enter into a contract in the name of Bay City, with the party designated in such resolution or order, and take sufficient security for the faithful performance of the work, in such form and under such conditions as said board may determine, and it may require such party to furnish other and further security than that proposed by him.

Sec. 8. All such contracts shall be made in accordance with the provisions of the charter relating to contracts by the board of public works, and shall provide that the sewer be constructed according to the plans and specifications of said board, the surveys made therefor and such directions pertaining thereto, as the common council may deem best to give; that the contractor or contractors shall be paid for such work out of the moneys assessed on and collected from the persons and property taxed for the construction of said sewer, as provided by the charter, by orders drawn on such fund for the amount payable according to such contract; that all such work shall be done under the supervision of the board of public works, and shall be subject to such directions as said board may deem best to give to secure efficient work, and said contracts may contain such other provisions relating to such work, as the board may deem for the interest of the city and not contrary to the charter or this ordinance. All such contracts shall be executed in accordance with section 66 of the charter.

Sec. 9. Whenever the estimated cost of constructing any sewer shall not exceed two hundred dollars, the board of public works

shall contract with such person or persons, as they may deem suitable, for the performance of said work, without advertising for proposals therefor, provided, however, that sufficient security shall be required from the person or persons so contracting, and that such contracts shall contain similar provisions, be in similar form, as near as may be, and be governed by the same regulations, as nearly as possible, as the contracts hereinbefore provided for.

Sec. 10. Whenever the common council shall order the construction of any sewer as authorized by the charter, the comptroller, board of public works and the city treasurer shall each be charged with the performance of all the duties in respect to such work, and the assessment and collection of the tax therefor, and all other matters pertaining thereto, prescribed by the charter in respect to local improvements, the expense whereof is made a charge upon the property specially benefited thereby; provided, that when any sewer shall be built, the entire expense of which is to be borne by the city, no assessment roll shall be made.

Sec. 11. Whenever the board of public works shall estimate the cost of construction of any lateral sewer, a part of the cost of which shall consist of the cost of catch-traps to be constructed in connection with such sewer, said board shall estimate and report the cost of such catch-traps as a separate item, and it shall be competent for the common council, in approving such estimates, to order that the cost of such catch-traps be paid out of the highway fund of the ward or wards in which such lateral sewer is located, and in case such order is made, the cost of such catch-traps shall not be included in the assessment of the tax to defray the expense of such sewer.

Sec. 12. No person or persons shall be permitted to connect any private drain or sewer with any public

sewer, when such private drain or sewer shall, if made, extend through or along any street or alley, or part thereof, in the direction in which a public sewer may be built in such street or alley, and no person shall be allowed to build any private sewer or drain in any of the streets or alleys of Bay City, or to tap or make any connection with any main or lateral sewer, without the permission of the common council, and when any application for the building of any such private drain or sewer, or for the tapping or connecting with any such main or lateral sewer shall be made to the said council, said application shall be referred, before action thereon, to the board of public works for such recommendations in the premises as they may deem best to give. Any person violating any of the provisions of this section, shall, in addition to any other liability therefor, be punished by a fine of not less than twenty dollars and not more than two hundred dollars with the costs of prosecution, and in the imposition of any such fine and costs, the court may make a further sentence, that the offender be imprisoned in the common jail of Bay County until the payment thereof, for any period of time, not exceeding three months.

Sec. 13. Any person wilfully injuring or obstructing any public sewer in said city, shall, on conviction thereof, be punished by a fine of not less than ten, and not more than two hundred dollars and costs of prosecution, and imprisonment in the common jail of Bay county for a term not exceeding sixty days, or by either, in the discretion of the court, and if only a fine and costs be imposed, the court may make a further sentence that the offender be imprisoned in said jail until the payment thereof, for a term not exceeding sixty days.

Sec. 14. An ordinance entitled "An ordinance to

lay out and establish sewer districts, to provide for constructing sewers and to collect money to defray the expense thereof," adopted September 3rd, 1877, and all other ordinances inconsistent herewith are hereby repealed ; provided, however, that such repeal shall not affect any proceedings had thereunder, and which are now pending and unfinished.

Adopted November 28th, 1881.

## IV.

## OF RAILROADS AND STREET RAILWAYS.

## USE OF STREETS BY RAILROAD COMPANIES.

**An ordinance to regulate the speed of steam cars, and the use of streets by railroad companies within Bay City.**

*It is hereby ordained by the Common Council of Bay City, as follows :*

Section 1. The rate of speed of engines and cars on railroads within the limits of Bay City shall not exceed six miles per hour ; and any engineer, conductor or driver having charge of any engine, car, or train of cars, upon any railroad now built or hereafter to be built in said city, who shall suffer or cause said engine, car, or train of cars, to go over said railroad within said city at a greater rate of speed than six miles an hour, shall, on conviction thereof, be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, with costs of prosecution, or by imprisonment in the county jail of Bay county not exceeding sixty days, in the discretion of the court before whom the offense is tried.

Sec. 2. No person under the age of twenty-one years shall get off or on any steam railway train while the same is in motion within the limits of Bay City, except at the proper depot of the railroad company, under a penalty of not exceeding ten dollars and costs of prosecution, or imprisonment not exceeding ten days in jail.

Sec. 3. All railroad companies having their depots within Bay City, shall, after the first day of January next, make up the trains for their respective roads within the grounds enclosed and occupied by them respectively, or within such limits outside of their own grounds and inclosures as shall be hereafter prescribed for each railroad by the common council. Any person or persons aiding or assisting in making up any railroad train contrary to the provisions of this section shall, on conviction thereof, be punished by a fine of not less than ten, nor more than one hundred dollars for each offense, with costs of prosecution, or by imprisonment in the county jail for Bay county not exceeding sixty days, in the discretion of the court before whom the offense is tried.

Sec. 4. Whenever the court before which any of the offenses, specified in the foregoing sections, is tried, shall sentence the person convicted thereof to the payment of only a fine and costs, such court may sentence the offender to imprisonment in the Bay county jail until the payment thereof, for a term not exceeding three months.(1)

Sec. 5. It shall be unlawful for any railroad company owning or operating a railroad running into or through Bay City, to leave any locomotive, engine, car, cars or train of cars, or any portion of any train of cars, standing at the intersection of such railroad with any street within said city so as to obstruct travel thereon.(1)

Sec. 6. No railroad company shall cause or allow the whistle of any locomotive engine to be sounded within the said city, excepting necessary brake signals, and for such other signals as shall be absolutely necessary to prevent injury to persons and property.(1)

Sec. 7. Every railroad company running engines or

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(1) Sections added December 18th, 1881.

cars into or through said city shall cause the bell of each locomotive engine to be rung continuously, while such engine shall be running in or through said city.(1)

Sec. 8. It shall be the duty of every railroad company running trains within the corporate limits of the city, to station flagmen at such points where streets cross the track of its railroad, as the common council shall require. A notice of such requirement served upon any general agent or manager of such railroad company, or upon the conductor of any freight or passenger train of such company, shall be deemed sufficient to charge such company with the duty aforesaid.(1)

Sec. 9. Every agent, manager, conductor, engineer, driver, or other employe of any railroad company, who shall assist or engage in, direct or knowingly permit the violation of any of the provisions of sections five, six and seven of this ordinance, shall, on conviction thereof, be punished by a fine not exceeding two hundred dollars and costs of prosecution, and imprisonment in the Bay county jail for a term not exceeding six months, or by either, in the discretion of the court, and if only a fine and costs be imposed, the court may sentence the offender to imprisonment in said jail until the payment thereof, for a term not exceeding three months.(1)

Adopted July 1st, 1872.

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(1) Sections added December 18th, 1881.

## RAILROAD RIGHT OF WAY.

**An ordinance granting the right of way for a railroad from the track of the F. & P. M. Railway, or the Detroit & Bay City Railroad, so-called, to the eastern limits of the city.**

*It is hereby ordained by the Common Council of Bay City, as follows :*

Section 1. Any railroad company now organized or which shall be hereafter organized, may construct, use and operate a railway track from the northerly line of the F. & P. M. Railway, so called, or from the easterly line or terminus of the Detroit & Bay City R. R., along the line of Water street, and upon the middle of the northerly side thereof, with necessary and convenient side track and switches for the accomodation of business, to the easterly line of the city, and the right of way for such purpose is hereby granted along said route to any such company as may first comply with the terms and conditions thereafter set forth, and subject to the private rights of owners of property adjacent and along the line of said route.

Sec. 2. Any railroad company desiring to construct, use and operate such railroad along said route shall notify the common council of such intention, file with the comptroller a written obligation binding itself to construct the same within such time as the said Council shall, by resolution, designate, and to permit any other company or companies the joint ownership, use and occupancy of such railroad, switches and side tracks, upon being paid by it or them the proportion of the value of the same, as hereinafter provided.

Sec. 3. The company first accepting this grant shall, when its track or tracks are laid and ready for business, take the cars of other roads over its route as herein designated, on reasonable notice and upon such terms and for such compensation as is usual among other railroad companies for like service.

Sec. 4. If, after the completion of the whole or a part of such railroad by the company first accepting the grant, a second railroad company, having its line or terminus in Bay City, shall desire to occupy and use such track and route jointly, it may contract therefor with such first company ; but if the said first company refuse, or if the parties cannot agree upon the terms, then such second company may apply to the common council, which shall at its next regular meeting appoint three suitable disinterested persons, not interested in either road, appraisers, who shall appraise the actual value of said railroad, side tracks and switches, including monies paid private persons for right of way, and return the same to the Council in writing, signed by them. That thereupon said second company may tender to said first company one-half the amount of the sum at which said property was appraised, and if accepted said companies shall be joint and equal owners of said property and shall use and operate the same in common ; but if said first company shall not accept said sum, then and in that case the same shall be deposited in the city treasury for the use of said first company, when it shall call for it, and upon such deposit being made and said first company being notified thereof, the said two companies shall thereupon become joint owners of said property and may use and operate the same in common.

Sec. 5. A third, fourth or any number of companies having the qualifications heretofore mentioned as required for such second company, may, upon tendering one-third, one-fourth, and so on, of the value of such property, become joint owners and operators ; or on such tender being refused, such sum may be deposited in the city treasury to the use of the party or parties entitled thereto, and such subsequent company

or companies shall severally become joint owners and occupants of the same.

Sec. 6. If, after two or more companies shall join in the ownership and use of such railroad and appurtenances, they shall be unable to agree as to the manner of using and operating the same, the common council shall provide for the same by ordinance.

Sec. 7. The grant herein contained is made subject to the ordinances of the city now in force and to the right of the city to provide such further and other ordinances regulating the speed of trains, place of making up trains, with such other and further regulations for the protection of persons and property within the city, as to the common council shall at any time appear proper.

Sec. 8. The grade of road bed shall be determined by the common council, and the railroad company constructing said railway under this ordinance shall so construct their track that the highway shall, as nearly as the same is practicable, be fitted for the ordinary use of said highway required by the public.

Adopted September 22nd, 1873.

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#### STREET RAILWAYS.

##### **An ordinance relative to street railways.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. That consent, permission and authority are hereby given, granted and vested in and to the Bay City Street Railway Company, its successors and assigns, for the period of thirty years from and after December 14th, 1864, to use all the streets in said Bay City or its successor, exclusive of every other person or corporation, for the purpose of constructing and laying a single or double track for a street railway, with all necessary and convenient tracks for turn-outs,

side tracks and switches, in and along the course of the streets and bridges in said city or its successor, and the same to keep, maintain and use, and to operate thereon railway cars and carriages during all the term hereinbefore specified and prescribed, and in the manner and upon the conditions set forth in this ordinance.

Sec. 2. The rate of fare for any distance not beyond the city limits in any direction shall not exceed seven cents for each passenger in any one car, and shall not exceed ten cents to any point outside the city limits in any one car. Such fare may, at the option of the common council, be reduced to five cents within the limits of said city.

Sec. 3. The railways through all the streets shall be laid in the center thereof, if of a single track, and if of a double track the rails of each track shall be laid within two feet and four inches of the center of the street; and said rails shall be laid not to exceed five feet apart, so as to accommodate the most common width of carriage wheels. When the grantees, their associates, successors or assigns shall complete one track of said railway and place cars thereon for public use, they may at any time thereafter build a second track; provided, they do not interrupt the running of the cars on the first completed track.

Sec. 4. The track of said railway shall be laid in such manner as shall least obstruct the free passage of vehicles and carriages on the same, and the rails shall be laid flush with the surface of the streets and shall conform to the grades thereof, as now established, or as they shall from time to time be established or altered. The grantee, its successors or assigns shall be required to keep the surface of the streets inside the rails, and for two feet four inches outside thereof, in good order and repair, and shall keep all dirt and

filth cleaned and removed therefrom, as the common council of said city may from time to time direct.

Sec. 5. In addition to the right to carry passengers, as herein granted, authority is hereby given to said Street Railway Company to convey over their track cars laden with freight, to be drawn with animals or with dummy engines using coal as fuel; *Provided*, that such cars shall be moved at no other time than between ten o'clock and thirty minutes p. m. and six o'clock a. m. *Provided*, further, that said city or its successor will not require passenger cars to run oftener than once in thirty minutes in each direction during fourteen hours every day, from the fifteenth of April to the fifteenth of November, and during twelve hours every day from the fifteenth of November to the fifteenth of April, during the next ten years, and the cars and carriages for the purpose shall be of the best style in use on such railways in other cities.

Sec. 6. Each passenger shall be allowed to take free of charge, such ordinary baggage as he can carry in his hands, and not take up more room than he is entitled to for his seat. The grantee, or its successor or assigns may charge such price for carrying any other baggage as may be just and proper.

Sec. 7. Cars driven or run in the same direction shall not approach each other within a distance of one hundred feet, except in cases of accident, or at stations, or for the purpose of connecting two cars together.

Sec. 8. No car shall be allowed to stop on a cross walk, nor in front of any intersecting street, except to avoid collisions or prevent damages to persons in the streets.

Sec. 9. When the conductor of any car is required to stop at the intersection of streets, to receive or leave passengers the car shall be stopped so as to leave the rear platform slightly over the crossing.

Sec. 10. The grantee, or its successors or assigns shall employ careful, sober and prudent agents, conductors, drivers or engineers to take charge of its cars while on the road, who shall use every precaution not to do any injury to any team, carriages, or persons on foot. Conductors shall not allow women or children to enter or leave the cars while in motion.

Sec. 11. The cars shall at all times be entitled to the track, and every vehicle upon the track of said railway shall turn out when the cars come up, so as to leave the track unobstructed, and the drivers of any vehicle refusing to do so, shall be liable to a penalty not exceeding five dollars, on conviction before the Recorder's court of said city, or its successors, and costs of prosecution, or imprisonment not to exceed five days.

Sec. 12. The cars after sunset shall be provided with signal lights.

Sec. 13. Nothing in this ordinance shall be so construed as to prevent the common council, or its successor, authorizing the laying down of water or gas pipes and sewers, or repairing the same, and the grantee shall have no claim for damages against said city, or its successors, or against any gas or water companies; *Provided*, the work of laying down said water or gas pipes and sewers shall be done in such a manner as not unnecessarily to damage or injure said railways or their use.

Sec. 14. If the said grantees or its successors or assigns shall fail to complete the aforesaid railway according to the conditions prescribed by this ordinance, then the rights and privileges granted shall be forfeited, together with all improvements made upon said railways to said city or its successors, unless the common council shall give to said grantee a further extension of time; *Provided*, if said grantee be delayed

by the order or injunction of any court; *Provided*, said injunction is not obtained by reason of the consent, connivance or procurement of said grantee, and *Provided*, that if the said grantee shall use diligence to have the injunction removed, then the time of such delay shall be excluded from the time of completion prescribed by the requirements of this ordinance.

Sec. 15. The common council or its successors reserve the right to make such further rules, orders or regulations, as may be deemed necessary to protect the interests and accommodation of the public in relation to said railways.

Sec. 16. The said grantee, its successors or assigns, shall, at the expiration of every year, render in writing, signed and sworn to by their President or Secretary, a full and true account to the Recorder of said city, or the Recorder of its successor, of the amount of capital stock of such company, and shall pay to the Treasurer of said city, or to the Treasurer of its successor, during the next ensuing ten years, the sum of one-quarter of one per cent. on the whole amount of said capital stock as consideration for the privileges herein granted.

Sec. 17. In case the said common council, or the council of its successor, shall deem it for the interest or convenience of said city, or its successor, that a line of said railway shall be built on any street, and the same shall be demanded by the business of said city, they shall give said grantee, its successor or assigns, notice thereof; and unless said grantee, its successor or assigns shall build the same within two years after such notice, the common council may declare this grant void as to such streets, *Provided*, that the grantee shall not be notified to build over one mile of any such railway in any one year.

Sec. 18. The rates of charges to be demanded by said

Street Railway Company of other companies whose freight cars are transported over their track, shall not be more than the usual transfer rates charged by other roads; and such rates shall be uniform to all roads using such track; *Provided*, that the additional grant herein made to convey freight, &c., over their track, shall be, and is hereby made upon the express condition that said road shall be constructed and operated for the transfer of freight within six months from October 13th, 1874, and in default thereof the grant herein made shall become absolutely forfeited, this condition being made by said city and accepted by said railway company as the consideration of the grant herein made. *Provided*, if said grantee be delayed by the order or injunction of any court; and *Provided* said injunction is not obtained by reason of the consent, connivance or procurement of the said grantee; and *Provided*, that if the said grantee shall use diligence to have the injunction removed, then the time of such delay shall be excluded from the time of completion prescribed by the requirements of this section; and it is further *Provided*, that what is designated as T rail shall not be used in the construction of said track between Third and Sixth streets; *Provided*, further, that said company shall be required to keep the bed of said street railway in good repair, and shall pave the same with such pavement as the city shall at any time order said street, or either side of said street, to be paved.

Adopted November 23rd, 1874.

## V.

OF THE PUBLIC HEALTH.

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## BOARD OF HEALTH.

**An ordinance for the preservation of the public health.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. A board of health to consist of one member from each ward, and a health officer, shall be appointed by this council at the first regular meeting of the council after the city elections in April, or as soon thereafter as practicable. The board and health officer shall be appointed as soon as this ordinance shall be adopted, to hold office until the city elections in April next. Such health officer shall be chairman of the board of health; he shall be a physician in actual practice, and a graduate of some reputable medical college. The alderman of each ward whose term expires soonest may be appointed a member of the board of health for his ward.

Sec. 2. The said board of health shall possess such power and perform such duties, as are hereinafter set forth. Each member thereof shall be a resident of Bay City, and shall hold his office for one year. Vacancies in said board may be filled by the council for the unexpired term. A majority of the members of said board, appointed and acting, shall constitute a quorum to do business.

Sec. 3. The said board shall have and possess all the powers given by the general statutes of this state to boards of health in townships, in addition to those herein particularly enumerated. Said board of health shall have power, and it shall be their duty, to take such measures as they shall deem effectual, to prevent the entrance of any pestilential or infectious disease into the city, to stop, detain, and examine for that purpose every person coming from any place infected, or believed to be infected, with such a disease; to establish, maintain and regulate a pest house or hospital, at some place within the city, or not exceeding three miles beyond its limits or bounds, to cause any person not being a resident of the city, or if a resident of the city, who is not an inhabitant of this state, who shall be, or suspected of being, infected with any such disease, to be sent back to the place from whence he or she came, or to be sent to such pest house or hospital; to cause any resident of the city, infected with any such disease, to be removed to such pest house or hospital, if the health physician and the attending physician of the sick person, if he have one, shall certify that the removal of such person is necessary for the public health, provided it can be done with safety to the patient; to remove from the city, or destroy any furniture, wearing apparel or goods, wares or merchandise, or other articles of property of any kind which shall be suspected of being tainted or infected with any pestilence, and which shall be, or likely to pass into such a state as to generate or propagate disease; to require the occupant of any dwelling house, store, shop or other building, in which there shall be any person sick with smallpox or varioloid, to put up and maintain in a conspicuous place on the front of said dwelling house, store, shop or other building, a card or sign, to be furnished by the board, on which

shall be written or printed, in large letters, the words, "Small Pox," and in case of the neglect or refusal of any person to comply with such requirement, to remove the patient therein to the pest house or hospital, and to do all acts which they shall deem necessary and expedient for the preservation of health and suppression of disease in the city, and to carry into effect and execute the powers hereby granted.

Sec. 4. The owner, driver, conductor or person in charge of any stage coach, railroad car or other public conveyance, which shall enter the city, having on board any person sick of malignant fever or pestilential or infectious disease, shall within two hours after the arrival of such sick person, report in writing the fact, with the name of such person, and the house or place where he was put down in the city, to the mayor or some member of the board of health; and any and every person neglecting to comply with the provisions of this section, shall, on conviction thereof, be punished by fine or imprisonment, or both such fine and imprisonment, in the discretion of the court, the fine not to exceed \$50 with costs, nor the imprisonment six months.

Sec. 5. Any person who shall knowingly bring or procure, or cause to be brought into the city any property of any kind, tainted or infected with any malignant fever, or pestilential or infectious disease, may, on conviction thereof; be punished as provided in the last section.

Sec. 6. Every keeper of a hotel, inn, boarding house, or lodging house, in the city, who shall have in his house at any time any sick traveler, stranger, or strangers, shall report the fact, and name of the person in writing, within six hours after he came to board, or was taken sick therein, to the mayor or some member of the board of health; and every physician in the

city, shall report under his hand to one of the officers above named, the name, residence and disease of every patient, whom he shall have sick of any infectious diseases, within six hours after he shall have visited such patient. A violation of the provisions of this section, may be punished as provided in section 4.

Sec. 7. All fines imposed under this ordinance shall be, when collected, paid to the city treasury, and be devoted to the maintenance and support of any pest house or hospital that may hereafter be established by the city.

Sec. 8. The said board of health shall at least meet once in each month at the office of the city recorder, to examine and certify to accounts as hereinafter provided, and for such other business as they may deem necessary for the government of such board. The recorder shall keep a record of such meetings and preserve the same in his office.

Sec. 9. The members of such board of health shall receive such compensation for their services as may be allowed by the common council, and before entering upon their duties, shall take each, and file with the recorder, the constitutional oath of office.

Sec. 10. No person having the small pox or varioloid, or other contagious disease, shall go about the city; and all persons having small pox, varioloid or other contagious or infectious disease, are hereby required to be kept closely confined within their respective dwellings or places of abode, and no person who has been confined with such disease, shall leave his or her place of abode and go about the city, until in the opinion of his or her physician, or the health officer, it can be done without communicating the disease to others; any person violating the provisions of this section, shall be liable to punishment, as provided in section 4 of this ordinance.

Sec. 11. It shall be the duty of each member of the board of health :

1. To take care and charge of the ward in which he resides, to ascertain any nuisance which may exist in his ward, and forthwith to report the same in writing to the board, to enter upon the premises and visit the house of every person in his ward, as often as he shall deem necessary, or as the board of health shall order, and to examine into the health, cleanliness and number of persons inhabiting such house, and inspect the cellars, vaults, privies and sewers on such premises.

2. Each member of the board of health shall, upon discovering any person who, in his opinion, is infected or infectious with a malignant disease, promptly notify the health officer of said board.

3. Such health officer, if satisfied that such person is infected with a malignant or infectious disease, shall cause notice of the same to be at once given to at least a majority of the members of said board.

4. It shall be the duty of said board of health, immediately upon receiving such notice, to take steps to prevent the spread of such disease, in accordance with the provisions of this ordinance, and they shall, so far as practicable, remove all infected persons to the pest house.

Sec. 12. Such board shall not provide assistance or necessaries for any infected person at his, her or their residence, unless such person cannot be removed to the pest house, under the provisions of this ordinance, and such board shall only in such cases furnish assistance and necessaries for those actually sick or infected; in case any member of the same family, not sick or infected, shall be in want of provisions or assistance, it shall be the duty of such board of health, to notify the director of the poor thereof; but such board shall not

have any power to furnish such persons with provisions or other necessities, except medicine as a preventive of disease.

Sec. 13. All bills for necessities, furnished by order of such board of health shall be sworn to, and shall be presented to such board of health, who shall at their next meeting examine carefully into the various items therein charged, and if correct, certify to the same; and in case it is intended to present such bill to the city or county for payment, then such board shall further certify thereon, after careful and diligent examination and inquiry, that the person himself, his parents, or other person who may be liable for his support, is unable to pay the same.

Sec. 14. Nothing in this ordinance shall be construed to authorize the board of health to expend a larger sum than \$20 without a prior resolution of the common council authorizing such expenditure.

Sec. 15. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Adopted October 17th, 1881.

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#### NUISANCES.

##### **An ordinance relative to nuisances.**

Section 1. *It is hereby ordained by the Common Council of Bay City,* That no person shall, himself, or by another, throw, place, deposit or leave in any street, highway, lane, alley, public space or square, any animal or vegetable substance, dead animal, fish, shells, shavings, dirt, rubbish, excrement, filth, slops, unclean or nauseous water or liquor, hay, straw, ashes, cinders, soot, offal, garbage, swill, or any other article or substance whatever, which may cause any noisome, offensive or unwholesome smell.

Sec. 2. No person shall keep, place or have on or in any private house, lot or premises in this city, any

dead carcass, putrid, offensive or unsound beef, pork, fish, hides, skins, bones, horns, stinking or rotten soap-grease, tallow, offal, gargage, or other animal or vegetable matter or substance, which may cause any unwholesome, noisome or offensive smell.

Sec. 3. When any dumb animal shall die within the limits of the city the owner or person in possession of it, shall, within twelve hours thereafter, cause the carcass to be removed to some place at least one mile beyond the city limits.

Sec. 4. No owner or occupant of any grocery, cellar, tallow chandler's shop, tannery, butcher shop, slaughter-house, stable, barn, privy, sewer, or other building or place, shall allow any nuisance to exist or remain on his or her premises.

Sec. 5. No person shall slaughter any beeves, sheep or other animals within the limits of Bay City, except at such places as the common council may by license permit; and no license shall be granted to any person to slaughter animals in said city, unless the application for such license shall be accompanied by the certificate of the chairman or a majority of the members of the board of health, that the building or place intended for the slaughtering of such animals is so located as not to be injurious to the health or comfort of the neighborhood, and is so constructed and arranged that it may be kept clean and free from all filth, offal, blood or other matter that may produce offensive smells, or become injurious to health. The owner or occupants of all such places or buildings for the slaughtering of animals, shall at all times keep such buildings or places clean, and shall not allow to remain therein any substance that may cause offensive smells or become injurious to the health of the neighborhood. The common council may revoke any license granted under this section whenever in their opinion the health

or comfort of the neighborhood may require it, or if the owner or occupant of any such building or place shall fail to comply with the requirements of this ordinance in relation thereto.(1)

Sec. 6. The keeper of any livery or other stable shall keep the stable and stable-yard clean, and shall not permit between the first day of June and the first day of November, more than two cart-loads of manure to accumulate in or near the same at any one time.

Sec. 7. No person shall collect or confine hogs in pens or otherwise, so as to become offensive to his or her neighbor or neighbors.

Sec. 8. Every dwelling house, store, manufactory, shop, block and part of a block used as a dwelling, within the city shall be provided with a suitable privy, the vault of which shall be constructed of two inch plank, or of brick or stone, and in such a manner as to be water tight. Such vault shall be sunk at least four feet below the level of the earth, and the inside thereof shall be at least one foot from the line of every adjoining highway, alley or lot, and whenever such vault is accessable to a public sewer it shall be so constructed as to drain into it, and every owner or occupant of any such dwelling house, store, manufactory, shop, block and part of a block used as a dwelling, shall cause such privy to be kept at all times clean and free from offensive smell, and shall cause the contents thereof to be taken out and removed as often as shall be necessary to keep such privy in a clean and healthy condition, and as often as shall be ordered by the chairman or any member of the board of health or by the chief of police; provided, however, that between the fifteenth day of June and the fifteenth day of September, no privy shall be emptied except by written permission from the chairman or some member

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(1) As amended January 30th, 1882.

of the board of health. Privies shall be emptied between the hours of ten o'clock p. m. and three o'clock a. m., and at no other time, except when emptied under the provisions of the next section.(1)

Sec. 9. First. No person or persons shall engage in the business of cleaning privy vaults or other receptacles of night soil, within the city, without a license therefor issued as hereinafter provided, nor then unless the contents of such vault or receptacle be removed and taken away by means of some odorless apparatus and between sunrise and sunset—such apparatus to be first approved by the mayor and health officer of the city, and its use to be subject to such rules and regulations as the common council may prescribe.

Second. Any person or company desirous of engaging in the business of cleaning privy vaults and receptacles of night soil, shall first take out a license therefor from the recorder, to be issued by him on the recommendation of the mayor and health officer of the city, and shall give a bond in the penal sum of five hundred dollars, conditional for the faithful performance of his duties, and shall pay into the city treasury the sum of ten dollars per year, which license shall be and remain in force for one year. As soon as any such license shall be issued the health officer of the city shall, without charge, issue a permit to any person or persons so licensed for each and every privy vault or receptacle of night soil necessary or desired by him or by any private person to be cleaned, before the contents thereof shall be removed. Third. Any person or persons so licensed and engaged in said business shall not be permitted to charge more than ten cents per cubic foot for the contents removed up to 150 cubic feet, and for any quantity beyond 150 feet not exceeding eight cents per cubic foot, the same

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(1) As amended January 30th, 1882.

to be paid for by the owner of the premises, upon which the privy is located, upon demand, as soon as the services is performed.(1)

Sec. 10. Any cart, wagon or other vehicle, used for the purpose of conveying away swill, offal or garbage, shall be perfectly tight and covered so as to prevent the contents from leaking or spilling, and no such cart, wagon or vehicle, when not in use, shall be allowed to stand in any street, alley or public place within the city. No person shall bury the contents of any privy vault or receptacle of night soil, or allow the burying thereof, upon his or her premises within the city.(1)

Sec. 11. Any failure to comply with, or violation of the provisions of this ordinance shall be punished by a fine not to exceed one hundred dollars and the costs of prosecution, and imprisonment in the county jail not exceeding three months, or either, in the discretion of the court, and if only a fine and costs be imposed, the court may make a further sentence that the offender be imprisoned in the Bay county jail, or the Detroit House of Correction, until the payment thereof; *Provided*, however, that the period of such imprisonment shall not exceed the term of three months.

Sec. 12. The board of health shall have power, and it is hereby made their duty, and each member of such board of health, and the marshal and police of said city shall each have the power, and it shall be the duty of each, to make diligent inquiry with respect to all nuisances of every description in said city, which are or may be injurious to the public health, and abate the same, and to make and enter a proper complaint for each and every violation of any of the provisions of this ordinance.

Adopted May 18th, 1869.

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(1) As amended March 8th, 1880.

## UNWHOLESOME PROVISIONS.

**An ordinance to prevent the sale of unwholesome provisions and impure milk.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. No person shall, within the limits of Bay City, sell any unwholesome, corrupt or diseased meat, fish, poultry, fruit, vegetables or provisions of any kind.

Sec. 2. No person shall, knowingly, sell to any person or persons in said city, any milk diluted with water, or in any way adulterated; nor shall any person, knowingly, sell milk, the product of a sick or diseased animal, or any milk produced from any cow fed upon the refuse of a distillery, or of a brewery, or upon any substance deleterious to the quality of the milk.

Sec. 3. Any person violating any of the provisions of this ordinance, shall, on conviction thereof, be punished by a fine not exceeding one hundred dollars, and costs of prosecution, and in the imposition of any fine and costs the court may sentence the offender to imprisonment in the Bay county jail, until the payment thereof, for a term not exceeding sixty days.

Adopted December 19th, 1881.

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## WATERING DISEASED ANIMALS.

**An ordinance to prohibit the watering of diseased horses and other animals at the public water tanks.**

*It is hereby ordained by the Common Council of Bay City, as follows:*

Section 1. No person shall, knowingly or wilfully, suffer or permit any horse or other animal, in his possession or under his control, that has the epizootic or

any other contagious disease, to stand at, or drink from any of the public water tanks in this city.

Sec. 2. Any person violating any of the provisions of section one of this ordinance, shall, on conviction thereof, be punished by a fine of not less than five dollars nor more than fifty dollars, with costs of prosecution, and by imprisonment in the Bay county jail for a period not exceeding thirty days, or by either; in the discretion of the court; and in the imposition of any fine and costs the court may sentence the offender to imprisonment in said jail until the payment thereof, for a term not exceeding thirty days.(1)

Adopted November 17th, 1879.

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#### BURIAL OF THE DEAD.

**An ordinance to regulate the burial of the dead, and for the keeping of bills of mortality.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. It shall be the duty of the nearest friend, relative or attendant on any person deceased within the limits of Bay City, to procure, as soon as practicable, from the physician attending the deceased in his last illness, or in case there were no regular attending physician, from some reputable resident physician, a certificate stating, as near as may be, the time, cause or manner of death, number of days' illness and disease of the deceased, also the name and residence and place of death of the deceased. It shall thereupon be the duty of the persons obtaining said certificate to present the same to the health officer of Bay City, or in his absence or inability, to any member of the board of health, who shall thereupon issue to said person or persons a permit for the burial of the said

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(1) As amended February 13th, 1882.

deceased. The said certificate when given by an attending physician may be in the following form:

I hereby certify that I attended \_\_\_\_\_ for \_\_\_\_\_ days, previous to his death; that \_\_\_\_\_ was sick \_\_\_\_\_ days, and died at \_\_\_\_\_ in Bay City on the \_\_\_\_\_ day of \_\_\_\_\_ of \_\_\_\_\_ disease.

Dated \_\_\_\_\_ 18—

\_\_\_\_\_ Attending Physician.

Said blanks shall be furnished by the recorder, at the expense of the city, to all resident physicians applying for them.

Sec. 2: In case of the death of any person without friends, relatives or any persons attendant, it shall be the duty of any person cognisant of the fact to report the same to the health officer, who may proceed to act on his own knowledge of the facts, and issue a permit in the regular manner to the persons who shall have in charge the funeral of said deceased.

Sec. 3. In case of the death of any person from small pox or other infectious disease, the body of said deceased person shall not be taken to, or into any church or other public place or building, nor to any other private residence or building, other than that where the death occurred; and the health officer may, in his discretion, require the body of any such deceased to be privately conveyed to the proper burial ground, between the hours of seven o'clock in the evening and seven o'clock on the following morning, without any public services whatsoever, which directions and requirements shall be stated in the permit issued by the health officer in such cases.

Sec. 4 No undertaker shall conduct or manage any funeral, within the limits of Bay City, unless a proper permit for the burial of the deceased shall have been issued by the health officer; nor shall any interment take place within said limits until the permit of the

health officer, for the burial of the deceased, shall have been previously furnished to the sexton or other person in charge of the cemetery in which the interment is to take place, who shall file the same with the recorder of Bay City immediately after said burial.

Sec. 5. The health officer shall file all certificates received by him with the recorder of Bay City, and in all cases where no certificate could be issued the health officer shall furnish said recorder with a duplicate of the burial permit issued in such cases, or with a duplicate of any burial permit, whenever thereunto requested by said recorder, and with any other information he may have acquired in regard to such cases; and it shall be the duty of the recorder to keep on file all papers so furnished him by the health officer.

Sec. 6. It shall be the duty of the recorder to keep in his office a register, to be provided by the city, of all persons buried in said city, giving in alphabetical order the names of the deceased, age, color, sex, occupation, place of birth and residence so far as known, the disease or manner and time and place of death, and the cemetery or place set apart for the burial of the dead.

Sec. 7. No interment of the body of any person shall be made in the limits of Bay City, in any other place than in some existing cemetery or place regularly appropriated and set apart for the burial of the dead.

Sec. 8. Any person or persons violating any of the provisions or requirements of this ordinance shall, on conviction thereof, be punished by a fine of not less than twenty-five nor more than three hundred dollars, together with the costs of prosecution, and by imprisonment in the jail of Bay county, for a term not exceeding six months, or by either, in the discretion of the court; and if only a fine and costs to be imposed,

the court may sentence the offender to imprisonment in said jail until the payment thereof, for a period not to exceed three months.

Adopted January 16th, 1882.

## VI. OF THE PUBLIC PEACE.

### PEACE AND GOOD ORDER.

**An ordinance to preserve the peace and good order of the city.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. All vagrants, street beggars, common drunkards, and all persons who shall make or assist in making any disorderly noise, disturbance or improper diversion within said city, and all persons who shall collect in bodies or crowds in said city, for unlawful purposes, to the annoyance or disturbance of citizens or other persons, and all persons who shall make any indecent exposure of his or her person within the limits of said city, all common prostitutes and all keepers of bawdy houses for the resort of prostitutes in said city, shall, on conviction thereof, be punished by a fine not to exceed two hundred dollars and costs of prosecution, and by imprisonment in the Bay county jail for a term not exceeding thirty days, or by either, in the discretion of the court; and if only a fine and costs be imposed, the court may make a further sentence that the offender be imprisoned in the Bay county jail until the payment thereof, for a term not exceeding three months.

Sec. 2. Any person or persons committing any act constituting a riot, or aiding and abetting in the com-

mission thereof, or using insulting, abusive or indecent language to any person or persons, or who shall commit any act constituting a breach of the peace in said city, shall be punished in the manner prescribed in section one of this ordinance.

Sec. 3. Any persons found gaming or gambling, betting or hazarding any money or article of value, in any street or place of public resort, saloon or public house, within the limits of said city; or any person or persons who shall keep a house or room for the resort of persons for betting, gaming, gambling or hazarding any money or article of value, shall, on conviction thereof, be punished in the manner prescribed in section one of this ordinance.

Sec. 4. Any person or persons who shall keep in said city any gaming table, wheel of fortune, box, instrument or device of any kind whatsoever, for the purpose of gambling, or who shall sell or dispose of, at private sale or public auction, any property, real or personal, goods, chattels, pictures, photographs, money or valuable thing, by way of lottery, or gift enterprise, or who shall sell or offer for sale any ticket, prize package, token or other device, purporting or intended to entitle the purchaser or holder to a chance of obtaining any prize, gift of money or other thing of value, shall, on conviction thereof, be punished in the manner prescribed in section one of this ordinance.

Sec. 5. Any keeper or keepers of inns, victualing places, restaurants, saloons, bowling alleys, billiard rooms, or other public places within the limits of said city, who shall allow or knowingly permit the betting or hazarding of any money or article of value upon any game, wheel of fortune, box, machine, instrument or device for the purpose of gaming, or the raffling for any property, article or thing of value, within such inn, victualing place, restaurant, saloon, bowling alley,

billiard room or other public place, or any apartment thereof, or in any out-house, yard or building belonging thereto, or connected therewith, shall, on conviction thereof, be punished in the manner prescribed in section one of this ordinance.

Sec. 6. Any person who shall be drunk or intoxicated in any hotel, tavern, inn, saloon or place of public business, or in any assembly of people collected together in any place for any purpose, or in any street, lane, alley, highway, park or public square; or in any railroad or street car in this city, by drinking intoxicating liquors, shall, on conviction thereof, be punished by a fine not exceeding ten dollars and the costs of prosecution, and by imprisonment in the common jail of Bay county for a term not exceeding twenty days, or by either, in the discretion of the court, and if only a fine and costs be imposed, the court may make a further sentence that the offender be imprisoned in said jail until the payment thereof, for any period of time not exceeding thirty days.

Sec. 7. No saloon keeper shall permit, harbor or employ any female or females in or about his or her bar, bar-room or saloon, for the purpose of conducting, managing, or assisting in the conduct or management of such bar, bar-room or saloon, or for the purpose of waiting on, attending to, or entertaining guests or other persons therein; Provided, however, that this section shall not be construed to prohibit any such saloon-keeper from employing his wife in his bar, bar-room or saloon, to assist in the management thereof. Any violation of this section shall be punished in the manner prescribed in section one of this ordinance.

Sec. 8. Any person who shall be guilty of using indecent, profane or immoral language, or be guilty of any indecent or immoral behavior in any public street, lane, alley, square, park or space in said city,

shall be punished in the manner prescribed in section one of this ordinance.

Sec. 9. No person shall by talking, laughing, or otherwise, interrupt or disturb the service in any place of divine worship in said city.

Sec. 10. Persons shall not collect, stand in crowds or remain loitering on the sidewalks, or at the corners of the streets, so as to hinder or impede the passage of pedestrians, or in front of any church, public hall, or place of worship, during service or any entertainment or exercises therein, or while the congregation or other persons attending such church, hall or place of worship are gathering therein or departing therefrom.

Sec. 11. Any person violating any of the provisions of the last two sections, shall, on conviction thereof, be punished by a fine of not exceeding ten dollars or imprisonment in the Bay county jail not exceeding twenty days, and if only a fine be imposed, the court may make a further sentence that the offender be imprisoned in said jail until the payment thereof, for a term not exceeding twenty days.

Sec. 12. No person shall, within the limits of said city, show, sell, or offer for sale, or exhibit any indecent or obscene picture, photograph, drawing, engraving, book or pamphlet. Any person violating any of the provisions of this section shall, on conviction thereof, be punished by a fine of not less than ten, nor more than fifty dollars, and imprisonment in the county jail for a term not exceeding ninety days, or by either, in the discretion of the court, and if only a fine be imposed the court may make a further sentence, that the offender be imprisoned in said county jail until the payment thereof, for a term not exceeding three months.

Sec. 13. An ordinance entitled "An ordinance to preserve the peace and good order of the city," adopted July 26th, 1870, and the amendments thereto are hereby repealed.

Adopted November 28th, 1881.

#### DISORDERLY HOUSES.

**An ordinance relative to disorderly houses.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. No person or persons shall, within the limits of Bay City, keep or maintain any house of ill-fame, house of assignation, or house for the resort of common prostitutes, or a disorderly saloon, bar-room, tavern, beer hall, grocery, theatre, room, house or building of any kind, or commit, or suffer to be committed, in any house or other building or premises by him, her or them occupied, any indecent or immoral conduct, rioting, quarreling, fighting, reveling, drunkenness, noise or any other disorderly conduct tending to disturb the neighborhood, or annoy travelers or others.

Sec. 2. Any person violating any of the provisions of this ordinance shall, on conviction thereof, be punished by a fine of not less than five, nor more than one hundred dollars, with costs of prosecution, and imprisonment in the common jail of Bay county for a term not exceeding ninety days, or by either, in the discretion of the court; and if only a fine and costs be imposed the court may make a further sentence, that the offender be imprisoned in said jail until the payment thereof, for a term not exceeding three months.

Sec. 3. An ordinance entitled "An ordinance relative to disorderly houses," adopted March 19th, 1868, is hereby repealed.

Adopted, November 28th, 1881.

## SABBATH.

**An ordinance to prevent violations of the Sabbath.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. No person shall, on the first day of the week, commonly called Sunday, keep open his or her store, shop, warehouse, saloon, brewery, bar, bar-room, beer hall, restaurant, billiard room, ball alley, grocery or other place of business, pleasure or amusement, or give or make, or be present at, or take part in, or permit on any premises occupied by him or her, any public diversion, show, theatrical representation, ball, dance, game or play; Provided, however, that this ordinance shall not be construed to prevent druggists from furnishing medicines, nor to prevent the furnishing of meals and lodging to travelers and boarders.

Sec. 2. Any person violating any of the provisions of this ordinance shall, on conviction thereof, be punished by a fine not exceeding fifty dollars and costs of prosecution, and by imprisonment in the county jail not exceeding sixty days, or by either, in the discretion of the court, and if only a fine and costs be imposed the court may sentence the offender to imprisonment in said jail until the payment thereof, for a term not exceeding sixty days.

Sec. 3. An ordinance entitled, "An ordinance relative to the preservation of the peace and good order, and to the prevention of violations of the Sabbath, adopted August 15, 1870," be and the same is hereby repealed.

Adopted December 19th, 1881.

## VICE AND IMMORALITY.

**An ordinance in relation to the prevention of vice and immorality.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. Any person found within the limits of Bay City in a house of ill-fame or brothel, being therein for unlawful purposes, shall be punished by a penalty not exceeding one hundred dollars or by imprisonment in the common jail of Bay county or city prison not exceeding ninety days, or both such penalty and imprisonment in the discretion of the court trying the offender.

Sec. 2. Any person found within the limits of Bay City in the company of a prostitute or prostitutes in the streets or elsewhere, said person being in their company for unlawful purposes, shall be subject to the same penalty and shall suffer like punishment as is prescribed in the above section.

Sec. 3. When any person is convicted of violating any of the provisions of this ordinance it shall be competent for the court trying the offender to include the costs of prosecution together with a fine in the penalty; and if the person so convicted shall fail to pay the penalty imposed, the court may imprison such person until the penalty is paid, but in no case shall the period of such imprisonment exceed the term of ninety days.

Sec. 4. This ordinance shall take effect at the expiration of three days after its first publication in a newspaper published in Bay City.

Made and passed May 28th, 1867.

## SALOONS.

**An ordinance for closing saloons and other places of public resort, from 10 o'clock at night till 7 o'clock in the morning.**

Section 1. *It is hereby ordained by the Common Council of Bay City,* That all saloons, bars and bar-rooms, beer halls, billiard rooms and all places of public resort, and all places kept, used, or resorted to for the playing of any games, or for engaging in any sports or amusements, shall be closed at 10 o'clock at night and remain closed thereafter till 7 o'clock the following morning. Every place in said city where intoxicating beverages of any kind are sold to be drank or used upon the premises shall be deemed a saloon within the meaning of this ordinance.

Sec. 2. Any person convicted of violating any of the provisions of this ordinance shall be punished by a fine not to exceed \$100.00 with costs of prosecution, and by imprisonment in the jail of Bay county for a term not exceeding 60 days, or by either, in the discretion of the court before whom such conviction may be had, and if only a fine and costs be imposed the court may make a further sentence that the offender be imprisoned in the county jail until the payment thereof, for a term not exceeding 60 days.

Sec. 3. All ordinances or parts of ordinances heretofore adopted inconsistent with the foregoing ordinance are hereby repealed.

Adopted September 12th, 1881.

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## BLOWING OF WHISTLES.

**An ordinance to regulate the blowing of whistles by steam vessels.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. No steam vessel shall blow any whistle

for any purpose whatsoever while approaching, lying at or leaving any wharf, dock or pier, within the corporate limits of Bay City, or while navigating the waters of the Saginaw river, within the said corporate limits, except when absolutely necessary as a signal of danger, or in cases provided for by the laws and regulations of the United States or the statutes of this State.

Sec. 2. It shall be the duty of the harbor master to make complaint for any violation or infringement of the provisions of section one of this ordinance, and it shall be lawful for any person to make such complaint.

Sec. 3. Every owner, master, captain or consignee of any steam vessel, or any person having in charge any steam boats or steam vessels blowing any steam whistle in violation of the provisions of section one of this ordinance, or any persons violating, or failing to comply with any of the provisions of this ordinance shall be punished by a fine of not less than five, or more than twenty-five dollars with costs of prosecution for each and every offense; and in the imposition of such fine and costs the court may impose a further sentence that the offender or offenders be imprisoned in the county jail until the payment of such fine and costs, provided such imprisonment does not exceed thirty days.

Sec. 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Adopted July 25, 1881.

**VII.**  
**OF LICENSING OCCUPATIONS AND AMUSE-**  
**MENTS.**

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AUCTIONEERS AND AUCTION SALES.

- **An ordinance relative to auctioneers and auction sales.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. No person shall exercise the business or trade of auctioneer, or sell property at public auction or outcry, without a license therefor, to be issued as hereinafter provided: Provided, however, that this section shall not apply to any person selling property by virtue of legal process or under a mortgage.

Sec. 2. All applications for licenses, under this ordinance shall be made to the common council, and no person shall be granted any such license unless he be a person of good moral character, a resident of this city, and shall have resided therein at least thirty days previous to making such application, except as hereinafter provided in section three. All licenses granted under this ordinance shall be signed by the recorder and countersigned by the comptroller, and shall be and remain in force for the period of one year from the date of issue thereof, except such licenses as shall be granted under the provisions of section three of this ordinance.

Sec. 3. The common council may, in its discretion, grant a license to any person, whether a resident or non-resident of said city, to sell goods at auction in said city for a limited number of days, less than one year, and the application for any such license shall state the residence of the applicant, the number of days for which a license is desired, the kind of goods or property to be sold at auction and the place in the city where such business is to be carried on; and no person holding a license under this section shall sell at auction any other kind of goods, merchandise or property than such as are specified in said license.

Sec. 4. No license granted under this ordinance shall be issued, until the person applying therefor and to whom the same may be granted, shall pay into the city treasury the sums of money hereinafter specified, and shall execute a bond to the corporation in the sum of five hundred dollars, with one or more sufficient sureties, conditioned for the faithful observance by such licensee of all ordinances and regulations of said city, relating to auctioneers and auction sales, and the payment of all fines and penalties and costs that may be incurred by him for a violation of any ordinance of said city relating to auctioneers or auction sales; such bond to be approved by the recorder of said city and to be filed in his office. For a license for one year there shall be paid the sum of twenty dollars, and for a license for any period less than a year the sum of five dollars per day for each day during the period for which the license is granted, Sundays excepted.(1)

Sec. 5. The recorder shall keep a record of all licenses issued under this ordinance in a book to be provided for that purpose, which shall state the number of the license, the name of the licensee, the amount paid therefor, as appears from the treasurer's receipt,

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(1) As amended February 13th, 1882.

the length of time for which the license is granted and the place in said city where the business licensed is to be carried on; and all licenses issued shall state the length of time the same is to remain in force and the place in the city where the business is to be carried on; and licenses issued under section three of this ordinance shall also specify the kind of goods, wares or merchandise which the licensee is permitted to sell at auction thereunder. The common council may revoke any license issued under this ordinance for any violation of the provisions of said ordinance, or for any other good and sufficient reason.

Sec. 6. No bell or crier, musical instruments or noise of any kind shall be used to collect bidders at any auction.

Sec. 7. No person so licensed shall receive for sale by auction any goods or commodities from any minor or apprentice, knowing him or her to be such, without the written consent of the parent, guardian or employer of such minor or apprentice; nor shall any person so licensed as aforesaid make use of any fraud or deception in such auction sales, or in the delivery of goods sold thereat.

Sec. 8. No auctioneer shall sell or expose for sale at auction any goods, wares or merchandise, on any sidewalk, or in any street, lane, alley, square or public highway in said city, unless by written permission from the mayor or chief of police, and all such sales shall be so conducted as not to impede public travel or create any public disturbance.

Sec. 9. Any violation of any of the provisions of this ordinance shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, and imprisonment in the county jail for a term not exceeding three months, or by either, in the discretion of the court, and if only a fine and costs be imposed, the

court may sentence the offender to imprisonment in said jail until the payment thereof, for a term not exceeding three months.

Sec. 10. An ordinance entitled, "An ordinance relative to auctioneers," adopted June 18th, 1869, and all amendments thereto, are hereby repealed; provided, however, that this repeal shall not affect any license granted under said ordinance and not yet expired.

Adopted December 29th, 1881.

#### PAWNBROKERS.

**An ordinance to license and regulate pawnbrokers and to regulate pawnbrokerage.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. No person shall engage in the business of a pawnbroker in Bay City without a license from the common council of said city, as hereinafter provided.

Sec. 2. Each and every person desiring to engage in the business of pawnbroking in said city, shall make a written application to the said common council, setting forth the intention to engage in said business and specifying, as near as may be, the street and building in which said business is to be carried on; which said application shall be signed by at least six reputable resident freeholders of said city, citizens thereof, who shall certify to the good moral character, fame and reputation of the applicant or applicants.

Sec. 3. Whenever any such application shall have been granted by the common council, and before a license shall issue thereon, the applicant or applicants shall execute a bond to Bay City, in the penal sum of two thousand dollars, with one or more sufficient sureties, to be approved by the recorder of said city, conditioned that he, she or they will, in all respects com-

ply with, and faithfully observe all the requirements of the charter and ordinances of Bay City, relative to pawnbroking; and the said applicant or applicants shall also pay into the treasury of Bay City the sum of one hundred dollars per annum, as a license fee before said license shall be issued.

Sec. 4. Whenever said common council shall have granted any such application for a license, upon the presentation to the recorder of said city of the bond hereinbefore provided for and the receipt of the treasurer of said city for the said license fee of one hundred dollars, the said recorder shall issue to such applicant or applicants a license to engage in the business of pawnbroking in said city for the term of one year from the date thereof, which said license shall be signed by the recorder and countersigned by the comptroller of said city; said license shall remain in force and be valid for the period of one year from the date thereof, but the person or persons holding the same may renew said license, from year to year, by paying the sum of one hundred dollars into the city treasury and taking the receipt of the treasurer therefor, and by executing a bond as provided in section three of this ordinance. The recorder upon presentation of such receipt and approval of said bond, as hereinbefore provided, shall issue to said person or persons, desirous of renewing their said licenses, a new license to engage in the business of a pawnbroker in said city, as hereinbefore provided, for the period of one year from the time of such renewal. And no such license or renewed license shall issue until such applicant or applicants shall pay to said recorder the sum of one dollar as a fee for issuing and recording the same. In every such license it shall be stated that the same is revocable, at any time, by a majority vote of the members elect of said common council, and all such licenses shall be recorded in

a book, to be provided for that purpose by the city, before the same are issued.

Sec. 5. No person or persons licensed as a pawnbroker, under the provisions of this ordinance, shall, by virtue of one license, keep more than one house, shop or place for purchasing, receiving or taking goods in pawn; nor shall any pawnbroker purchase, receive or take in pawn, or by way of pledge, any goods of any description, at any place other than his place of business designated in his, her or their license.

Sec. 6. Every person and all persons licensed under this ordinance shall cause his, her or their name or names, or the name of the firm, with the words "Licensed Pawnbroker" to be printed in large and legible characters, and placed over the outside of the door or entrance of his, her or their shop, office or place of business.

Sec. 7. Each and every person or firm of persons licensed to carry on said business of a pawnbroker, in said city, shall keep a book, in which shall be legibly written, at the time of each purchase or loan, an accurate and sufficient description, for the purposes of identification, of the goods, article or thing purchased or pawned, the time of pawning or pledging the same, the amount of money loaned thereon, the rate of interest to be paid on such loan, the time within which such pawn is to be redeemed and the name, age and residence, with the street and number of the house of the person pawning, pledging or selling such goods, article or thing; and when any watch is pawned with any pawnbroker, he shall also write in such book the name of the maker thereof and its number; and when jewelry or gold or silver articles of any kind are pawned, he, she or they shall note in said book all letters or marks inscribed, engraved or cut thereon; and whenever any goods, article or thing of any kind shall

be sold at auction, as hereinafter provided, the date of such sale and the amount for which the same was sold, shall also be entered upon said book; all entries in said book shall be made in black ink.

Sec. 8. Every pawnbroker, at the time of making any loan and receiving any goods, thing or article in pawn therefor, shall make and deliver to the person from whom it was received a memorandum in writing, signed by him or her, in his or her name, or in the name of his or her firm, containing the date and amount of such loan, the rate of interest to be paid thereon, the time within which such goods, article or thing is to be redeemed, with such a description of the same, as is provided for in the preceding section.

Sec. 9. The book provided for in section seven (7) of this ordinance shall at all times be open to the inspection of each and every member of the common council, chief of police or city attorney of said city; and also any goods, articles or things received, purchased or left in pledge with said pawnbroker shall at all times be open to a like inspection.

Sec. 10. No pawnbroker shall sell any goods, article or thing which may have been left with him in pledge, until the same shall have been in his possession at least three months beyond the time in which the same was to have been redeemed, and the sale of the same shall be at public auction, after being advertised at least ten days in two daily papers of said city; said auction shall be conducted by a licensed auctioneer of Bay City, and not otherwise. The surplus money, if any, arising from any sale, as herein provided, after deducting the amount of the loan, interest and charges due on the same, shall be paid over by such pawnbroker to the person who would have been entitled to redeem such article or thing, if no sale had taken place; and if the owner of such surplus money shall not call

for the same, within one month after such sale, the same shall be paid into the city treasury, subject to the demand of its legal owner, to be paid to him on an order from the common council.

Sec. 11. It shall be the duty of each pawnbroker in this city, licensed under this ordinance, on receiving information that any article or thing left with him in pledge has been lost or stolen, to notify in writing the chief of police of the fact, giving the name of the person from whom said lost or stolen article or thing has been received, and the time when it was received.

Sec. 12. No pawnbroker shall remove any goods, articles or things purchased by him or left with him in pledge, from his store or place of business, until the expiration of forty-eight hours after the same were purchased, received or left in pawn, unless the same shall, within the time specified, have been inspected as provided for in this ordinance.

Sec. 13. No pawnbroker or pawnbrokers shall purchase or receive in pledge any goods, article or thing offered him, her or them as a pawn, from any person under sixteen years of age, or who is intoxicated, or an habitual drunkard, nor knowingly take from any apprentice or servant any goods, article or thing offered in pawn by such servant or apprentice, without first ascertaining that such article or thing is the property of the person or persons offering the same in pawn.

Sec. 14. Any person or persons who shall violate any of the provisions or requirements of this ordinance shall, on conviction thereof, be punished by a fine of not exceeding three hundred dollars and not less than twenty-five dollars and costs of prosecution, and by imprisonment in the county jail for a term not exceeding six months, or by either, in the discretion of the court; and if only a fine and costs be imposed the

court may sentence the offender to imprisonment in said jail until the payment thereof, for a term not exceeding three months.

Adopted February 13th, 1882. •

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#### HAWKERS AND PEDDLERS.

##### **An ordinance relative to hawkers and peddlers.**

Section 1. *Be it ordained by the Common Council of Bay City*, That no person shall follow the business or occupation of a hawker or peddler, within the limits of Bay City, without a license from the mayor and recorder.

Sec. 2. The mayor and recorder are hereby authorized to license any person to follow the business or occupation of a hawker or peddler, on his paying into the city treasury the sum prescribed in the next section.

Sec. 3. Any person soliciting a license shall pay therefor as follows: If he intends to travel on foot, \$10 for the first and \$5 per day for each subsequent day. If he intends to travel with one horse or other animal, \$20 for the first day and \$15 per day each subsequent day. If he intends to travel with two or more horses or animals, \$25 for the first day and \$15 per day for each subsequent day. *Provided*, that no license under this section shall be issued for a longer period than 30 days, and each renewal shall be deemed and considered a new license.(1)

Sec. 4. This ordinance is not intended to apply to any mechanic of said Bay City, selling or offering for sale any article of his own manufacture or construction, nor to any person selling or offering for sale any vegetables, berries, fruit, butter, eggs, meat or fish. *Provided*, also, that any *bona fide* resident of Bay

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(1) As amended June 27th, 1881.

City, and who has been such resident for the term of one year previous to his application, shall have a license for the term of one year from date on his paying therefor the sum of twenty-five dollars.(1)

Sec. 5. Any person violating any of the provisions of this ordinance shall, on conviction thereof, be punished by a fine not exceeding one hundred dollars and costs of prosecution, and by imprisonment in the Bay county jail for a term not exceeding six months, or by either, in the discretion of the court; and if only a fine and costs be imposed, the court may sentence the offender to imprisonment in said jail until the payment thereof, for a term not exceeding three months.(2)

Adopted June 18th, 1869.

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#### STREET VENDERS.

##### An ordinance relative to street venders.

Section 1. *Be it ordained by the Common Council of Bay City*, That no person not a resident of Bay City, shall sell or offer for sale, any goods, wares or merchandise, drugs, medicines, or articles of any kind, on the public streets or any public place in Bay City, without a license from the mayor and recorder. This section shall not apply to any mechanic or manufacturer resident of Bay County, selling or offering for sale any article of his own construction or manufacture; nor to any person selling or offering for sale any vegetables, berries, fruit, butter, eggs, meat or fish.

Sec. 2. Any person soliciting a license, under the provisions of this ordinance, shall pay therefor three dollars for the first day, and two dollars for each subsequent day. *Provided*, that no license under this

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(1) As amended May 1st, 1876.

(2) As amended January 16th, 1882.

section shall be issued for a longer period than four days, and each renewal shall be deemed and considered a new license, and upon receiving such sum the recorder may grant a license to any person of good character, subject to the conditions prescribed in this ordinance.

Sec. 3. Nothing in this ordinance contained, or in any license issued under the same, shall be construed or held to permit or allow the person having such license to collect a crowd in any street or public place, so as to obstruct travel therein; and should a crowd be collected, it shall be the duty of the marshal to disperse the same.

Sec. 4. Any violation of the provisions of this ordinance, shall be punished by a fine not to exceed fifty dollars and costs, and by imprisonment in the county jail not exceeding thirty days, or either, in the discretion of the court, and if only a fine and costs be imposed, the court may make a further sentence, that in default of the payment thereof, within a time to be fixed in such sentence, that the offender be imprisoned in the county jail until the payment thereof, for any period of time not exceeding thirty days.

Adopted August 24th, 1869.

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#### HOTELS, VICTUALING HOUSES, &C.

**An ordinance relative to licenses for keeping hotels, taverns, inns and victualing houses.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. No person or persons shall, either personally or by agent, engage in or exercise the business or occupation of keeping any hotel, tavern, inn, common victualing house, restaurant or other place for furnishing meals, food or drink, without a license therefor, to be issued as hereinafter provided; Provided, how-

ever, that the term, common victualing house, shall not be construed to mean private boarding houses, but shall include all places where meals are served for a compensation; and provided, further, that the word drink shall not be construed to mean spirituous or intoxicating beverages, wine, brewed or malt liquors.

Sec. 2. All applications for licenses, under this ordinance, shall be made to the common council, and all licences granted for any of the purposes above named shall be issued by the recorder and countersigned by the comptroller.

Sec. 3. No license shall be issued, under the provisions of this ordinance, until the person or persons applying therefor, and to whom the same may be granted, shall have paid to the city treasurer the sum hereinafter specified, the treasurer's receipt for which shall be presented to, and filed with the recorder: For each hotel, tavern or inn license, ten dollars; for each victualing house, restaurant or other place for furnishing meals, food or drink, five dollars.

Sec. 4. All licenses issued under this ordinance shall remain in force for the period of one year from the date of issue thereof, unless sooner revoked by the common council for good cause shown; and no such license shall be assignable, nor shall it authorize the keeping or carrying on of the business mentioned therein at any other place than the one described therein.

Sec. 5. All licenses issued, as above provided, shall state the business licensed and the place in the city where the same is to be carried on, and the recorder shall enter in a book to be provided for that purpose, the name of each person licensed, the date of issue of the license, and the sum paid therefor.

Sec. 6. In every case when any person or persons shall carry on more than one of the occupations de-

fined in the first section of this ordinance, in the same or in different places in said city, a license shall be taken out for each of such occupations.

Sec. 7. Any person carrying on any business or occupation, for which a license is required under this ordinance, whether as principal or agent, without having obtained a license therefor, as herein provided, shall, on conviction thereof, be punished by a fine not exceeding one hundred dollars and costs of prosecution and imprisonment in the common jail of Bay county, for a term not exceeding sixty days, or by either, in the discretion of the court; and if only a fine and costs be imposed, the court may sentence the offender to imprisonment in the said jail, until the payment thereof, for a term not exceeding sixty days.

Sec. 8. An ordinance entitled "An ordinance to license the keeping of hotels, taverns, common victualing houses, restaurants and ordinary saloons," adopted April 30th, 1873, and all amendments thereto are hereby repealed.

Adopted December 19th, 1881.

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#### SHOWS, EXHIBITIONS, &C.

**An ordinance relating to licenses for shows, exhibitions, theatrical entertainments, etc.**

Section 1. *It is hereby ordained by the Common Council of Bay City,* That no person or persons, company or companies, shall make or exhibit in said city any circus, menagerie, game, play, or theatrical performance, or give any concert, vocal or instrumental, or exhibit any natural or artificial curiosity, or give any public entertainment of any kind, for which pay is demanded or received, without a license therefor first obtained from the recorder, and countersigned by the comptroller.

Sec. 2. Licenses may be granted and issued, as hereinafter provided, upon payment by the person or persons applying therefor to the city treasurer of the following sums, to wit: For every circus, menagerie or caravan of animals, fifty dollars for each occasion on which they may respectively perform and exhibit; for each side show, exhibition or performance attending or traveling with any circus or menagerie, ten dollars for each day they shall exhibit or perform; for every theatrical or operatic exhibition, representation or play or sleight of hand performance, twenty dollars for each week, or five dollars for each night, in case a license for less than one week is required; for every other public exhibition, musical concert, entertainment or show, payment for which is demanded or received, three dollars for each entertainment, exhibition or concert; provided, however, that upon special application therefor to the common council, and upon the payment into the city treasury of the sum of one hundred dollars, a license may be issued to the owner, lessee or manager of any theatre or opera house in said city, permitting the use of such theatre or opera house for any performance, theatrical, musical or otherwise, that may occur therein; and the sum so paid, and the license so issued, shall be in lieu of any other sum or sums of money, and any other license or licenses herein required to be paid and issued for any such performances. Such license shall be valid and in force for the period of one year from the date thereof, and it shall be the duty of the person or persons receiving such license to see that all the requirements of this ordinance, relative to good order and to the character of the performances and exhibitions in such theatre or opera house, are complied with.(1)

Sec. 3. No license shall be granted or issued, under

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(1) As amended January 30th, 1882.

the provisions of this ordinance, until the money therefor shall be fully paid; and every such license shall be in writing, shall state the name of the party to whom granted, the kind of performance, the place where had, the time for which issued and the sum paid therefor; it shall be dated, signed by the recorder and countersigned by the comptroller, and a full memorandum thereof kept by the recorder in a book to be provided for that purpose.

Sec. 4 It shall be the duty of any person or persons, receiving a license under the provisions of this ordinance, to so conduct his or their performance, exhibition or show, as not to annoy and disturb those living or doing business in the vicinity; and also to preserve good order in and about his or their place of exhibition or performance, and for that purpose shall keep, at his or their expense, a sufficient police force thereat.

Sec. 5. Any license granted under the provisions of this ordinance may be revoked by the common council when, in their opinion, the character of the exhibition or performance, for which the same was issued, is indecent or immoral, or when by reason of the noise made thereat, the same may, in the opinion of the said council, greatly disturb and annoy those living or doing business in the vicinity; and whenever any person or persons to whom any such license may be granted, shall fail, neglect or refuse to comply with the provisions of this ordinance, or with any order or resolution of said council, as to the time of closing such exhibition or performance, or as to the place where the same shall be had or carried on, or shall be convicted of violating any of the ordinances of this city, such license shall be revoked; and in case any license shall be revoked, the person or persons to whom it was granted shall be notified thereof by the

recorder, and thereupon no other license shall be granted by the recorder to such person or persons, for any purpose whatever, without the consent of the common council first obtained.

Sec. 6. This ordinance shall not extend or apply to any exhibition by the pupils of any public or private school, or to any exhibition of any painting, engraving, sculpture or fine art, or to any musical concert or other entertainment for the benefit of any church, library association, or other benevolent object.

Sec. 7. If any person or persons, other than those mentioned in the last section, shall, without a license therefor obtained as herein provided, make or exhibit, or aid in making or exhibiting any theatrical performance, circus, menagerie or sleight of hand tricks, natural or artificial curiosity, or give, or aid in giving any concert, or other public entertainment or performance, for which pay is demanded or received, within said city, they shall be deemed guilty of a violation of this ordinance, and may be prosecuted therefor before any court having jurisdiction of the offense.

Sec. 8. Any person convicted of violating any of the provisions of this ordinance, shall be punished by a fine of not less than ten dollars, and not more than three hundred dollars, and costs of prosecution, or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment, in the discretion of the court, and in imposing any fine and costs, the court may make a further sentence, that the offender be imprisoned in the county jail until such fine and costs be paid; *Provided*, such imprisonment shall not exceed sixty days.

Sec. 9. The ordinance made and passed by the village of Bay City, July 25th, 1859, relative to shows, exhibitions, theatrical entertainments, etc., and all

other ordinances contravening the provisions of this ordinance, are hereby repealed.

Sec. 10. It shall be the duty of the chief of police and each member of the police force, to see that the requirements of this ordinance are fully complied with, and to make complaints for violations of any of the provisions thereof.(1)

Adopted June 12th, 1871.

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(1) Section added January 30th, 1882.

## VIII. OF THE PREVENTION OF FIRES.

### FIRE LIMITS AND PREVENTION OF FIRES.

**An ordinance for the prevention of fires, and to establish fire limits.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. The following described territory shall constitute and be known as the fire limits of Bay City: All that portion of said city bounded on the north by the south side of Second street, on the east by the west side of Adams street, on the south by the north side of Eighth street, and on the west by the Saginaw river; also, all that territory adjoining to and within one hundred feet of that portion of Centre street that lies between the west side of Adams street and the west side of Jefferson street; and all buildings hereafter erected or constructed within said fire limits shall be of stone, brick or iron, and the roofs covered with slate, tile, metal, or gravel and composition; and if with cornice the same shall be made of stone, brick or metal, and well secured to the walls; except that in case of brick dwellings, not more than two stories high, the cornices may be of wood painted with not less than three coats of paint, and heavily sanded. All gutters shall be of metal.

All enclosing walls shall be of not less than the following thickness, viz : Of buildings not more than

one story and not more than twelve feet high, eight inches; if one story and more than twelve feet high, or two stories, twelve inches; if three stories, first story sixteen inches; all above, twelve inches; if four stories, first story twenty inches; second story, sixteen inches; all above, twelve inches. Dwelling houses may have walls four inches less than the above; provided, that no walls shall be less than eight inches thick; an attic or Mansard roof shall, for the purpose of this section, be considered one story. All division or partition walls shall be of brick or stone, and not less than twelve inches in thickness in buildings or blocks of buildings over two stories in height, and not less than eight inches where such buildings are two stories or less in height; and all enclosing or division walls shall extend at least thirty inches above the roof. No person or persons shall erect, construct or place, or cause to be erected, constructed or placed within said fire limits any building or buildings, unless the same be constructed in accordance with the requirements of this section.

Sec. 2. No person or persons shall, within said fire limits, repair or rebuild any wooden building which has been partially destroyed by fire or otherwise, nor elevate from the ground, or in any way increase the height of any wooden building, or part thereof, nor remove any wooden building from one lot to another, nor remove the same, or any part thereof, to any part of the same lot different from the place whereon the same may be standing, without being first authorized to do so by permission of the common council.

Sec. 3. For each and every week, during which any building erected, placed, removed or repaired, elevated or made higher, contrary to the provisions of this ordinance, shall be allowed to remain, the owner and every part owner of such building may be complained

of and punished, as for a distinct offense, as herein-after provided.

Sec. 4. No person shall use or occupy, within the limits of Bay City, any building for the manufacture of turpentine, camphene, fire-works, nitro-glycerine or other dangerous or easily inflammable or explosive substances, or for the storage of gunpowder in larger quantities than twenty-eight pounds, or for the storage of fireworks of any description whatever. The quantity of gunpowder allowed to be stored under this section, shall be secured in metal canisters with metal stoppers or covers; such canisters not to contain more than seven pounds each. The introduction of nitro-glycerine, within the city limits, is hereby prohibited, and any person or persons having the same in his or their possession, or under his or their control, within said limits, shall be punished in the manner prescribed in section fifteen of this ordinance.

Sec. 5. No person shall have, put or keep any hay, straw, cotton, hemp or wood-shavings in stock, or pile, without having the same securely inclosed, so as to protect them from flying sparks of fire; and no person shall have or place in any stove, grate or furnace, or use in lighting or kindling fires in any private house, store, hotel, shop or other building, any kerosene, gasoline, benzine, naphtha or other highly explosive or inflammable substance.

Sec. 6. No lighted candle or lamp shall be used in any stable, building or other place where hay, straw, hemp, cotton, flax, rushes, shavings, gunpowder or other combustible materials shall be stowed or lodged, unless the same is well secured in a lantern.

Sec. 7. No person shall carry fire in or through any street, alley or lot in this city, unless the same be placed in some close and secure pan or vessel.

Sec. 8. No ashes shall be kept or deposited in any

part of this city, unless the same be kept or deposited in a close iron, tin or earthen vessel, or brick or stone ash house, thoroughly secured.

Sec. 9. No person shall kindle any fire, or furnish the materials for any fire to be made or kindled in any street, alley or vacant place, within the city, unless by tinnerns, plumbers or other mechanics, in pursuing their business, requiring the use of a fire, or for the purpose of boiling tar, pitch or oil to be used in the construction or repair of some building or vessel; provided, that said fire shall be made in some crate or vessel, so that the same shall not emit sparks, or otherwise endanger surrounding property.

Sec. 10. Every building more than one story in height, shall have a scuttle through the roof, and a convenient stairway leading to the same.

Sec. 11. Every chimney, hereafter erected within the limits of Bay City, shall be so constructed as to admit of being scraped, brushed or cleaned.

Sec. 12. No pipe of any stove, chimney or fire place shall be put up or used, unless the same be conducted into a chimney of stone or brick; and in all cases where a stove pipe passes through the woodwork of a building, it shall be separated from such woodwork at least four inches, by metal or other incombustible material.

Sec. 13. The chief engineer of the fire department shall have the power, and it shall be his duty, at such times as he shall deem it necessary, to enter any and all buildings and enclosures, to discover whether the same are in a dangerous state, provided he shall first obtain permission to enter said premises from the owner or occupant, and if they are in a dangerous state, to cause them to be put in a safe condition. He shall also have the power, and it is hereby made his duty, to see that all chimneys, hearths, fire-places,

fire-arches, furnaces, ovens, stove pipes, boilers, kettles, or any structure or apparatus, that may be dangerous in causing or promoting fires, are constructed in such a manner as to secure the greatest protection against fire. He shall also have the power, and it is hereby made his duty, to require of the owner or occupant of any blacksmith's shop, furnace, foundry, or other manufactory, to erect, alter or reconstruct his chimney or smoke stack, so as to prevent sparks from passing into the open air. Every person who shall neglect for forty-eight hours, after being notified in writing or otherwise, by the said chief engineer to comply with the requirements of this ordinance, shall be punished as hereinafter provided.

Sec. 14. It shall be the duty of the chief engineer of the fire department, and the policemen of the city to make complaint for any violation of the provisions of this ordinance.

Sec. 15. Any violation of, or failure to comply with any of the provisions or requirements of this ordinance, or with any direction, notice or requirement, given or made by the chief engineer of the fire department, in pursuance of the provisions of this ordinance, shall be punished by a fine not to exceed three hundred dollars and costs of prosecution, and imprisonment in the Bay county jail for a term not exceeding six months, or by either, in the discretion of the court, and if only a fine and costs be imposed, the court may sentence the offender to imprisonment in said jail until the payment thereof, for a term not exceeding three months.

Sec. 16. An ordinance entitled "An ordinance defining the duties of fire wardens, regulating the sale of gunpowder, and for the protection of property from danger from fire," adopted February 27th, 1866, and an ordinance entitled, "An ordinance to prevent fires

and to establish fire limits in Bay City," adopted July 3rd, 1871, and all amendments to said ordinances are hereby repealed.

Adopted February 27th, 1882.

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FIRE DEPARTMENT.

**An ordinance to organize a paid fire department.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. The fire department of said city shall consist of a chief engineer, a first and second assistant engineers, of four hose companies, and one hook and ladder company.

Sec. 2. Hose companies shall be organized as follows : One for the First ward, one for the Second and Third wards, one for the Fourth and Fifth wards, and one for the Sixth and Seventh wards ; and the hose house or headquarters of each company shall be at such place in the territory for which it is organized, as shall, by resolution, be designated by the common council. Each company shall consist of such a number, as the common council shall direct, including a teamster; all of whom shall be appointed by the common council on the nomination or recommendation of the chief engineer.(1)

Sec. 3. There shall be maintained at the hose house of each company one hose cart, to be drawn by one or more horses, and with each cart there shall be kept at least one thousand feet of hose in good repair, to be in charge of said company.(2)

Sec. 4. It shall be the duty of the teamster to take care of and drive the horse or horses whenever called out by fire ; to take care of all implements in the hose house ; to do such other work as may be directed by

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(1) As amended March 5th, 1877.

(2) As amended March 27th, 1882.

the chief engineer or common council, and to keep on the watch for fire, except when otherwise necessarily employed.(1)

Sec. 5. The chief engineer shall be appointed by the common council, and the first and second assistant engineers shall be appointed by said council on the recommendation of the chief engineer. Each company of said fire department shall have power to appoint its own officers, subject to the approval of the common council.(1)

Sec. 6. A hook and ladder company, consisting of ten members, including teamster, shall be formed, and shall keep their implements at such central and convenient place as the common council may provide.

Sec. 7. When said companies shall be assembled at any fire, the chief engineer shall have supreme command ; and if any member of the fire department shall refuse or neglect at the time of any such conflagration to obey or observe any lawful general regulation of said chief engineer, or any lawful special command given to him by the chief engineer, or other person acting in his place, or member of the fire department acting by his authority, he shall, on conviction thereof, forfeit and pay a fine to said city of not less than ten dollars and not exceeding fifty dollars, or by imprisonment in the county jail of Bay county for a term not exceeding fifty days, or by both such fine and imprisonment, in the discretion of the court trying the offender.

Sec. 8. Any bystander or person not a member of the fire department, who shall refuse or neglect to obey any lawful command of the chief engineer, chief of police, an assistant engineer, or a foreman of a hose company, or shall refuse to render assistance at such fire, when lawfully requested so to do, shall, upon

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(1) As amended March 27th, 1882.

conviction thereof, be punished by a fine not exceeding twenty-five dollars, and by imprisonment in the county jail of Bay county for a term not exceeding thirty days, or by either such fine or imprisonment, in the discretion of the court trying the offender.(1)

Sec. 9. The chief engineer, assistant engineers and members of the several companies, when on duty at a time of fire, shall wear some badge or dress by which they may be readily distinguished.

Sec. 10. The city marshal shall have the right to appoint so many extra fire policemen at any time as he may deem necessary, and any person so appointed shall have, during said fire, all the power and authority of a constable or policeman, and the person so appointed shall obey the commands of the chief engineer and marshal.

Sec. 11. In case of the absence of the chief engineer and first and second assistant engineers from the place of fire, then the foreman of the company first arriving at the fire shall be vested with the authority of the chief engineer.

Sec. 12. The common council may, in their discretion, dissolve or disband any company organized under this ordinance, or dismiss any officer from any office held by him by virtue hereof or pursuant hereto ; and the said chief engineer shall have the power to re-organize or disband any company belonging to said department, subject to the approval of the council.

Sec. 13. The chief engineer and other officers and members of the fire department of said city, shall receive such compensation as the common council may by resolution order and determine, which compensation shall be paid monthly ; Provided, however, that no money shall be paid to any member of said fire department, except on the certificate of the chief engineer

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(1) As amended March 27th, 1882.

that the services have been rendered, and of the amount due, according to the resolution of the common council fixing such compensation.(1)

Sec. 14. Officers and men absent from a fire without good excuse shall be fined as follows: A foreman, five dollars; a teamster, five dollars, and a hoseman, two dollars, to be deducted from their pay at the end of each month.

Sec. 15. An ordinance entitled "An ordinance to organize the fire department and a body of fire police, and for other purposes," adopted October 10th, 1865, and an ordinance "to organize a steam fire engine company," adopted December 27, 1869, and an ordinance entitled "An ordinance to organize a fire department," adopted March 10th, 1873, and an ordinance "to organize a steam fire company in the Seventh ward," and any other ordinance or part of ordinance inconsistent herewith is hereby repealed.

Sec. 16. Whenever the court trying any of the offenses specified in the seventh and eighth sections of this ordinance, shall sentence the offender to the payment of a fine only, the court may sentence such offender to imprisonment in the Bay county jail until the payment thereof, for a term not exceeding thirty days.(2)

Adopted December 14th, 1874.

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#### FIREWORKS, FIREARMS AND CANNON.

**An ordinance to regulate the discharge of fireworks, firearms and cannon.**

Section 1. *It is hereby ordained by the Common Council of Bay City,* That no person shall fire, light or set off any squib, cracker, gunpowder or fireworks, or any explosive or detonating material or compound,

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(1) As amended March 27th, 1882.

(2) Section added February 27th, 1882.

nor discharge any cannon, gun or pistol, nor throw any fireballs or bombs, nor light any bon-fire in any street, lane, alley, public or private yard or square, within the limits of the city, without the permission of the common council.

Sec. 2. It shall be the duty of each and every member of the police force of this city, or of any constable, forthwith to arrest, without process, all persons offending against the provisions of the preceding section, and to bring them before the recorder to be dealt with according to the provisions of this ordinance.

Sec. 3. Any person violating the provisions of section one of this ordinance shall, upon conviction thereof, be punished by a fine of not less than five, nor more than fifty dollars, together with the costs of prosecution, or by imprisonment in the county jail for a period not exceeding thirty days, in the discretion of the court, and in imposing any fine and costs the court may make a further sentence that the offender be imprisoned in the county jail until the payment of such fine and costs, provided such imprisonment do not exceed thirty days.

Sec. 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Adopted June 27th, 1881.

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#### SPARK CATCHERS.

**An ordinance relating to spark catchers upon tugs and other steam crafts.**

*It is hereby ordained by the Common Council of Bay City:*

Section 1. No tug, propeller or other water craft, propelled in whole or in part by steam, shall be permitted to run or lie upon any of the waters within the limits of Bay City, while fired up, or while being fired

up, unless her smoke-pipe be covered with a good and sufficient spark catcher, so as to prevent the emission of sparks or coals therefrom. No spark catcher shall be deemed good and sufficient unless made of good wire cloth of not more than one-fourth inch mesh, to be made of good wire, and so put on as not to leave more than one-fourth of an inch space at any place for the emission of sparks, nor shall any tug, propeller, or other water craft be allowed to exhaust steam inside of her smoke pipe, while running or lying within two hundred feet of any dock within the limits of Bay City.(1)

Sec. 2. (2)

Sec. 3. If the master, engineer, or person in charge of any tug, propeller or other water craft, propelled in whole or in part by steam, shall authorize, direct, or permit the same to be run or lie within the corporate limits of said Bay City, while fired up or while the same is being fired up, without having her smoke pipe covered with a good and sufficient spark catcher, as provided in section one of this ordinance, or if any such master, engineer, or person in charge of such craft shall suffer or permit the steam to exhaust within the smoke pipe, while running or being within two hundred feet of any dock in said city, both such master or person in charge of such craft, together with the engineer, or person in charge of the engine, shall be deemed guilty of a misdemeanor, and severally liable to a fine of not less than one hundred dollars, and not more than three hundred dollars, with costs of prosecution, or to imprisonment in the county jail, not exceeding sixty days, or both such fine and imprisonment, in the discretion of the court trying the offense, and in default of payment of

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(1) As amended July 22d, 1878.

(2) Section repealed July 22d, 1878.

such fine, if a fine only is imposed, the court may make a further sentence that the offender be committed to the county jail for Bay County, until such fine and costs be paid, not exceeding sixty days.

Sec. 4. One half of each and every fine imposed and collected for every violation of this ordinance shall be paid over, by the court trying the offense, to the person making the complaint and giving the necessary information ; and in case of any controversy between persons claiming such money, the court shall determine the matter between them summarily, and pay the same as may to him appear just and right.

Sec. 5. None of the provisions of this ordinance shall apply to or be enforced against any tug, propeller, or other steam craft that burns coal only for fuel. Nor shall the master, engineer, or person in charge of any craft that burns coal only for fuel, be liable to the penalties prescribed in section three of this ordinance.

Sec. 6. This ordinance shall be published at once, and take effect on the 20th day of June, A. D., 1871.

Adopted June 5th, 1871.

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#### PILING SLABS.

**An ordinance to regulate piling of slabs and other combustible material.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. No person shall store, deposit, place, pile, or cause to be stored, left, placed or piled, any sawdust, pine slabs, cordwood, edgings, or combustible material whatever, in any street, alley, public or private square or space, or in any private lot or property within the following described limits, to wit : Bounded on the north by the south side of Second street, on the east by the west side of Van Buren street, on the

south by the north side of Ninth street, on the west by the east side of Saginaw street. Nothing in this section shall be construed to prohibit individuals or families from depositing, piling or placing slabs, edgings or cordwood on their premises or in adjacent alleys, to be used as fuel, provided that the same be used as fuel in private houses, dwellings and homes for household purposes.

Sec. 2. Any violation of the provisions of this ordinance shall be punished by a fine not exceeding \$100, nor less than \$10 and costs of prosecution, or by imprisonment in the county jail not exceeding three months, nor less than one week, and when only a fine and costs are imposed the court may make a further sentence that the offender be imprisoned in the county jail until the payment thereof, provided the said imprisonment do not exceed three months.

Sec. 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Adopted October 17th, 1881.

**IX.****OF POUNDS AND RESTRAINING ANIMALS**

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**POUNDS AND POUND MASTERS.**

**An ordinance relative to pounds, pound-masters and restraining animals.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. There shall be one or more public pounds in the city, to be located in such places as may be designated by the common council.(1)

Sec. 2. The common council shall appoint one or more pound masters, who shall hold their office during the pleasure of said common council, who shall take and file the oath of office, and shall give bonds to the city in the sum of one hundred dollars, with one or more sureties, to be approved by the mayor or recorder, conditioned to pay to the city treasurer all moneys that shall come into his hands as pound master, excepting fees and charges allowed him by this ordinance.

Sec. 3. No person shall permit his horse, ass, mule, swine, goat, sheep, cow, neat cattle, goose or duck to run at large in, or upon any of the public streets, alleys, parks or other public places in Bay City; *Provided*, that cows shall be permitted to run at large within the limits of said city between the hours of six o'clock in the morning and seven o'clock in the even-

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(1) As amended December 31st, 1877.

ing ; *Provided*, further, that if any cow while running at large in said city, shall break into any private yard or inclosure, or into any public park or other public grounds, or into any cemetery or burial ground within the limits of said city, all such places, public and private, being properly inclosed with a good substantial fence, it shall be lawful for the owner or occupant of such yard or inclosure, or any other person, and it shall be the duty of the pound masters, marshal, deputy marshals, policemen, and constables, to take up and convey to one of the public pounds such cow, so trespassing as aforesaid, and the same compensation shall be paid, and the same fees shall be demanded and received, and the same proceedings had in all respects as provided in this ordinance in the case of animals running at large contrary to the provisions of the same.(1)

Sec. 4. It is hereby made the duties of the pound masters, marshal, deputy marshals, policemen and constables, and it shall be lawful for any other person, to take up and convey to one of the public pounds any animal or domestic fowl mentioned in the previous section, which may be found running at large within the city limits ; and for such service the person performing it shall receive from the pound master the following compensation : For taking to a pound any horse, ass, mule or swine, seventy-five cents a head ; any neat cattle or cow, fifty cents a head ; any sheep or goat, twenty-five cents a head ; and for any goose or duck, ten cents.(2)

Sec. 5. The pound master shall purchase all necessary supplies for the sustenance of all animals and fowls impounded, and he shall receive, keep and feed any animal or fowl which may be brought to the pound.

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(1) As amended May 13th, 1878.

(2) As amended June 4th, 1877.

Sec. 6. The pound master shall record, in a book kept for that purpose, and which shall at all times be open for public inspection, the time when any animal or fowl was received; he shall also keep a record of all sales, and the amount for which each animal or fowl was sold, and the amounts paid for bringing animals or fowls to the pound.

Sec. 7. The pound master shall, on Saturday of each week, commencing at ten o'clock in the forenoon, at the public pound, sell at public auction, any horse, mule, ass, or ox, which has been impounded therein for a period of six days, and all other animals and fowls which have been impounded therein for a period of three days, and are unclaimed, or whose owners refuse to pay the fees hereinafter provided. The day on which any animal or fowl was received and the day of sale shall each be included in estimating the time under this section. Notice of such sale shall be given, and shall contain a description, as near as may be, of the animal or fowl to be sold, and such notice shall, on the Thursday previous to such sale, be posted in conspicuous positions in the three following places, to-wit: at the recorder's office, the postoffice, and the pound where such sale is to be held.

Sec. 8. The proceeds arising from the sale of any animal or fowl, less the fees, costs and charges allowed by this ordinance, shall, on Saturday of each week, be paid into the city treasury, and shall constitute a separate fund, to be disposed of as described in section nine.

Sec. 9. The money paid into the treasury, as provided for in the last section, shall be delivered to the former owner of such animal or fowl, on satisfactory proof to the treasurer that he or she was such owner; *Provided*, however, that all money deposited as aforesaid, which may remain unclaimed, for the period of

one year, shall be transferred and credited by the treasurer to the sinking fund.

Sec. 10. Pound masters shall demand and receive the following fees in addition to the amounts provided for in section five: For receiving and discharging or selling any horse, ass, mule, swine or other animal, one dollar; for keeping and feeding any horse, ass, mule, cow or ox, one dollar per day; any sheep, goat, calf or swine, twenty-five cents per day; for receiving and discharging any goose or duck, ten cents; and for keeping any goose or duck, ten cents a day. This ordinance shall take effect from and after the first day of December, 1877.(1)

Sec. 11. The owner of any such animal or fowls may, at any time before sale, redeem the same, upon payment to the pound master of the fees provided for in sections four and ten. *Provided*, when animals or fowls are redeemed the same day on which they are impounded, the pound master shall demand and receive the compensation for one day's keeping and feeding.

Sec. 12. The pound master shall, on Saturday in each week, report, under oath, in writing, to the city controller, giving a detailed statement of the animals impounded since his last report, the number of animals and fowls claimed and sold, and the amount of money received by reason of fees and sales, and the quantity of grain and hay used for the pound, and the amount paid into the city treasury since his last report.

Sec. 13. No person shall hinder, delay or interfere with any one who is driving or carrying any animal or fowl to the public pound.

Sec. 14. No person shall break, or attempt to break, or assist in breaking into any pound.

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(1) As amended June 4th, 1877.

Sec. 15. Pound keepers shall possess and exercise the powers and duties of policemen for the preservation of the public peace.

Sec. 16. No person shall take up, drive or carry to the public pound, any animal or fowl not legally liable to be impounded therein.

Sec. 17. If any animal or fowl that may have been lawfully impounded shall escape, or be rescued, any pound master, marshal, deputy marshal, constable or policeman may, within seven days thereafter, retake such animal or fowl, and the same may be held and sold as if no escape or rescue had taken place.

Sec. 19. Any violation of the provisions of this ordinance shall be punished by a fine not to exceed one hundred dollars and costs of prosecution, and imprisonment in the county jail not exceeding three months, or either, in the direction of the court, and in the imposition of any fine and costs the court may make a further sentence, that the offender may be imprisoned in the county jail, or the Detroit house of correction, until the payment thereof, for any period of time, not exceeding three months.

Sec. 20. This ordinance shall take effect from and after the first day of June, 1869.

Adopted May 18th, 1869.

NOTE.—Public Act No. 248, of the State Legislature for the year 1879, entitled, "An act to prevent animals from running at large in certain cities and villages within this state," has materially affected the operation of the above ordinance in some respects. There is no section 18 in the original record of the ordinance.

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DOGS.

**An ordinance relative to dogs.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. No person shall keep, or suffer to run at large, within the limits of Bay City, any dog, slut or

bitch of vicious or ferocious character or disposition.

Sec. 2. During the months of June, July, August and September, no dog, slut or bitch shall be permitted to run at large, within the limits of said city, unless muzzled with a good and sufficient muzzle, rendering it impossible for such dog, slut or bitch to do any mischief by biting any person or animal; and if any dog, slut or bitch be found running at large, within the limits of said city, during said months, without being sufficiently muzzled, it shall be lawful for the chief of police, or any policeman or constable of said city to destroy such animal, or cause the same to be destroyed.

Sec. 3. Every person owning, keeping or having in his or her possession, or under his or her control, any dog, slut or bitch, who shall permit such animal to run at large, during the months mentioned in the last preceding section, without being sufficiently muzzled, as required in this ordinance, shall, on conviction thereof, be punished as provided in the next section.

Sec. 4. Any person violating any of the provisions of this ordinance, shall, on conviction thereof, be punished by a fine not exceeding one hundred dollars and costs of prosecution, and imprisonment in the Bay county jail for a term not exceeding three months, or by either, in the discretion of the court; and if only a fine and costs be imposed the court may sentence the offender to imprisonment in said jail, until the payment thereof, for a term not exceeding sixty days.

Sec. 5. An ordinance entitled "An ordinance relative to dogs," adopted June 16th, 1868, and all amendments thereto are hereby repealed.

Adopted March 27th, 1882.

## BREAKING PUBLIC POUNDS.

**An ordinance to provide a punishment for breaking public pounds established by Bay City.**

Section 1. *It is hereby ordained by the Common Council of Bay City*, That no person shall break, attempt to break, or assist in breaking any pound established by said city.

Sec. 2. Any person convicted of a violation of section one of this ordinance, shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, and imprisonment in the Bay county jail for a term not exceeding three months, or by either, in the discretion of the court; and if only a fine and costs be imposed, the court may sentence the offender to imprisonment in said jail until the payment thereof, for a term not exceeding three months.(1)

Adopted August 23rd, 1880.

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(1) As amended February 13th, 1882.

**X.****OF PUBLIC CARRIAGES AND DRAYS.****PUBLIC CARRIAGES.****Ordinance—Cabs and public carriages.**

*It is hereby ordained by the Common Council of Bay City, as follows :*

Section 1. No person shall keep for hire, within the limits of Bay City, any public carriage, cab, hackney coach, omnibus or other vehicle, without a license therefor from the city recorder.

Sec. 2. The city recorder is hereby authorized to grant licenses, for the purpose aforesaid, to any resident of Bay City, of the age of twenty-one years or upwards, of good moral character, upon his paying into the city treasury the sum of five dollars for each carriage, cab, hackney coach, omnibus or other vehicle, to be kept, as aforesaid, for a public conveyance, which license shall continue in force for one year and be numbered consecutively.

Sec. 3. Every conveyance licensed under this ordinance, when driven or used at night, shall be provided with two lighted lamps with plain glass fronts and sides, and have the number of the license of each conveyance painted in legible characters thereon, to be placed in conspicuous places on the outside of such conveyance, in such a manner that the same may be distinctly seen and read when the conveyance is standing or in motion.

Sec. 4. No owner or driver of any public conveyance, while waiting for employment, shall refuse or neglect, when applied to, to convey any person or persons to any place or places within Bay City; and, on said person or persons being placed in such conveyance, the same shall be driven by the most direct and safe route to the place to which such person or persons wish to go, and not elsewhere; and no driver or owner of any conveyance, except omnibuses, shall, without the consent of the person or persons therein, who first engaged such conveyance, place therein any other person or persons.

Sec. 5. No owner or driver of any public conveyance shall suffer the same to remain in any street, square, lane or alley unfastened, without some proper person to take care of the same; (and no owner or driver of any public conveyance, while waiting for employment on any street or dock, shall snap or flourish his whip, or be guilty of any rude or boisterous conduct or language.)

Sec. 6. Every driver of any public conveyance, while the same is waiting for employment, shall remain on or near the same, and shall so keep his carriage and horses that the same shall not obstruct the travel on any street, avenue or crosswalk; and all public conveyances while waiting for employment shall occupy such stands as shall be designated by the common council, and whenever the said council shall designate such stands, it shall be the duty of the chief of police to see that the orders and resolutions of the common council in the premises are enforced, and any driver or other person in charge of a public conveyance, who shall refuse or neglect to comply with the directions of the chief of police, given in pursuance of such orders or resolutions, shall be punished in the manner prescribed in section eleven of this ordinance.(1)

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(1) As amended December 29th, 1881.

Sec. 7. This ordinance shall apply to any carriage which may at any time be placed on a public stand for public hire, and to all omnibuses or carriages kept by hotel keepers for the purpose of conveying passengers, for hire, to and from steamboats and railroad depots, or other places in said city, but shall not apply to buggies or carriages kept at any livery stable within this city.

Sec. 8. No porter, runner, city expressman, carrier of baggage, nor owner or driver of any public carriage, cab, hackney coach, omnibus, dray or other vehicle kept for hire, shall, on the arrival of any steamboat or railroad car in Bay City, for a period of fifteen minutes thereafter, go upon or approach within twenty feet of the wharf or depot, where such steamboat or railroad cars have made fast or stopped running, or are about to make fast or stop running, unless such porter, runner, city expressman, carrier of baggage, or owner or driver of any public carriage, cab, hackney coach, omnibus, dray or other vehicle, kept for hire, be requested to move some trunk or other baggage from some wharf or depot, in which case it shall be lawful to go near, in or upon such steamboat or depot for such purpose.(1)

Sec. 9. Any such owner, driver or person in charge of any public or private carriage, cab, omnibus or other vehicle kept for hire, shall be entitled to charge for carrying any passenger and ordinary baggage any distance, within the following territory, as follows, and no more, that is to say : Within that part of the city lying north of 21st street extended east to the city limits, 25 cents ; within that part of the city lying south of said 21st street extended east to the city limits, 25 cents ; from any place north of Center street to any place south of 24th street

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(1) Section added December 1st, 1873.

extended, as aforesaid, 50 cents; and the same from any place south of said 24th street to any place north of Center street, within the city; from any place to any place within the city, not included in the above, 25 cents. Any such owner, driver or person in charge of any such public or private carriage, cab, omnibus or other vehicle kept for hire, who shall demand or charge more than the above rates, shall be liable to have his license revoked by order of the common council, and also to be punished, as provided in section eleven (11) of this ordinance.(1)

Sec. 10. The city recorder is hereby authorized to grant licenses to any person, a resident of Bay county, of 21 years of age or upwards, of good moral character, who, during the week of Bay County Agricultural Society Fair, desires to carry passengers to and from the fair grounds, upon his paying into the city treasury the sum of one (1) dollar for each vehicle by him to be used for the purpose of carrying passengers, during said week, and the person obtaining such license shall be subject to all the provisions of this ordinance, not inconsistent herewith; such license so issued shall be and remain in force for one week from the date thereof.(2)

Sec. 11. Any violation of, or failure to comply with any of the provisions of this ordinance shall be punished by a fine not less than five dollars and not more than one hundred dollars and costs of prosecution, and in the imposition of any fine and costs the court may sentence the offender to imprisonment in the Bay county jail, until the payment thereof, for a term not exceeding thirty days.(3)

Sec. 12. The ordinance entitled "Relative to Drays," passed June 18th, 1869, is hereby repealed.

Adopted November 27th, 1871.

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(1) As amended February 23d 1880.

(2) Section added September 16th. 1878. -

(3) As amended December 29th, 1881.

## PUBLIC DRAYS.

**Ordinance —Public drays.**

*It is hereby ordained by the Common Council of Bay City, as follows :*

Section 1. Every cart, truck, wagon or vehicle drawn by one or more horses or animals, which shall be kept, used, driven or employed in transporting goods, wares, or any other thing whatsoever, from place to place within this city, for hire, shall be deemed to be a "Public dray" within the meaning of this ordinance, and every person keeping or using a public dray in this city, shall pay an annual license therefor as hereinafter provided.

Sec. 2. The city recorder shall grant to any resident of this city a license to keep a public dray, on his paying into the city treasury the sum of two and one-half dollars for each dray kept or used, or to be kept and used by him at the same time, drawn by one horse or animal, and the sum of five dollars for each dray kept and used by him, drawn by two or more horses or animals, which license shall continue and be in force for one year from the date thereof and no longer, and shall not be assignable; and said recorder shall, upon granting such license, enter the same of record in a book to be kept by him for that purpose, and shall also give to the licensee a number by which his dray shall be designated.(1)

Sec. 3. Every person licensed, as herein provided, shall cause the number of his license to be painted and kept conspicuously in plain legible figures, at least two inches long, upon each side of his dray; and any drayman who shall alter such number, or neglect to keep the same upon his dray, as herein prescribed, shall, on conviction therefor before the recorder, forfeit and pay, for the use of the city, a fine not exceeding

(1) As amended July 9th, 1877.

two dollars, together with the costs of prosecution.

Sec. 4. No drayman shall be guilty of any deceit or misrepresentation in the execution of his duties ; shall not cruelly beat or torture his horse or other animal ; shall not refuse to be employed when not actually engaged, and shall not neglect or refuse to promptly receive and carry to such place, within the city, as may be required, such a load as can be safely and conveniently stored upon his dray and drawn by his horse, horses, mule or mules, under a penalty of one dollar for each and every offense, and the costs of prosecution. The compensation to be demanded and received by persons licensed under this ordinance, shall be as follows : For each load conveyed by a dray drawn by a single animal, any distance not exceeding one mile, fifty cents, and for each additional mile, fifteen cents ; for each load conveyed by a dray drawn by two or more animals, any distance, not exceeding one mile, seventy-five cents, and for each additional mile, twenty-five cents ; for conveying any single article any distance, not exceeding one mile, twenty-five cents, and ten cents for each additional mile ; and no greater sum shall be demanded or received, unless by previous agreement.(1)

Sec. 5. All public drays, while waiting for employment, shall occupy such stands as shall be designated by the common council; and whenever the said council shall designate such stands, it shall be the duty of the chief of police to see that the orders and resolutions of the common council, in the premises, are enforced, and any drayman or other person in charge of any public dray, who shall refuse or neglect to comply with the directions of the chief of police, given in pursuance of such orders or resolutions, shall be pun-

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(1) As amended December 19th, 1881.

ished in the manner prescribed in section seven of this ordinance.(1)

Sec. 6. This ordinance shall not apply to, nor prohibit the use of teams in hauling brick, stone or heavy machinery, nor to teams employed at, or about any mill or factory in moving timber, lumber, slabs or saw dust, nor to teams employed in working upon the streets or alleys in the city, or in hauling sand or dirt in excavating cellars.

Sec. 7. Any person who shall keep and use within this city a public dray, without having a license therefor, in force, as prescribed in this ordinance, or who shall demand or receive any greater compensation than that prescribed in section four of this ordinance, or who shall be guilty of a violation of the provisions of section five of this ordinance, shall, on conviction thereof, be punished by a fine not exceeding ten dollars and costs of prosecution, and imprisonment in the Bay County jail for a term not exceeding twenty days, or by either, in the discretion of the court, and in the imposing of any fine and costs, for violating any of the provisions of this ordinance, the court may sentence the offender to imprisonment in said jail until the payment thereof, for any period of time, not exceeding twenty days.(1)

Sec. 8. All ordinances and parts of ordinances, heretofore passed, conflicting or at variance with the provisions of this ordinance, are hereby repealed.

Adopted November 27th, 1871.

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(1) As amended December 19th, 1881.

**XI.****OF WATER AND GAS WORKS.**

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**WATER WORKS.**

An ordinance fixing the rates of supplying water to the inhabitants of Bay City, and regulating the manner of making connections, and using the same.

Section 1. *It is hereby ordained by the Common Council of Bay City ;* That all applications for attachments to the distributing pipes, for the purpose of introducing water into any premises, as well as all applications for the use of water, must be made by the party desiring such attachment or use of water to the Board of Water Works, at their office, and always with the consent of the owner of premises into which water is proposed to be introduced, which consent shall be in writing. The applicant must state fully and truly all purposes for which water is required, and frankly, without concealment, answer all questions asked by the Water Works Commissioners' authorized agents, relative to its consumption, and sign on the Board of Water Commissioners' books an application, setting forth the purposes for which water is desired. Upon complying with these conditions, the secretary of the Board of Water Commissioners will issue a written permit granting the applicant the privilege of a service attachment, and the use of water, under the conditions and for the considerations hereinafter stated. At the time of making such application the applicant shall deposit with such secretary a

sum of money sufficient to pay for tapping the pipe and for furnishing the connection-cock and any other materials the said board may consider necessary ; all work to be performed in tapping the main, under such application, shall be done by the employes of said board.

Sec. 2. All attachments to iron mains for ordinary service shall be by means of brass stops, with threads to screw into the main, of one-half, five-eighths, three-quarters, or one inch diameter of water way. Attachments to wood to be made with lead or composite pipe fastened into a wooden plug, not to exceed two inches in diameter, or by such other device as may be adopted by said board. And in order to provide an ample supply with a minimum tax upon the capacity of the works, and at a minimum cost to the consumers, permits for making attachments to supply water for domestic purposes will be issued as follows, to wit:

For supplying dwellings of not more than six rooms, one  $\frac{1}{2}$  inch connection ; for dwellings of more than six and not more than ten rooms, one  $\frac{3}{4}$  inch connection ; for dwellings of more than ten rooms, one  $\frac{1}{2}$  inch connection ; for stores, one connection from  $\frac{1}{2}$  inch to  $\frac{3}{4}$  inches diameter, according to the wants ; for laundries, livery stables, stock yards, coffee houses, barber shops, restaurants, small manufactories, etc., one connection from  $\frac{1}{2}$  inch and upwards, as may be required ; for supplying hotels, hospitals, railroad stations and manufactories requiring large quantities of water, the character and size of the attachments shall be determined by the quantity of water required in specified periods of time. (1)

Sec. 3. *Size of service pipes and stops* :—All service pipes may be one-fourth (1-4) larger in diameter than

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(1) As amended January 3d, 1876

The connection through which they are supplied, and all stop-cocks in the line of the service pipe, or branches under ground, must be stops with circular water-ways of the same diameter of water-way as the pipe in which they are placed, have square handles and be in every respect equal to the samples in the office of the Board of Water Works.(1)

Sec. 4. *Character of pipe and standard weight* :—

In all cases service pipe, between the distributing pipe in the street, and the stop-cock, must be lead pipe, or a composition of lead and tin, fully equal in strength to the lead pipe hereinafter described, unless such pipe is above two inches inside diameter, in which case cast iron or Wyckoff pipe may be used. All lead pipe so used shall be what is called extra strong pipe, and of the following standard weight :

Lead pipe, 3-8 inch bore, 2 lbs., 0 oz. per lineal foot.

"	1-2	"	2	"	7	"	"
"	5-8	"	3	"	0	"	"
"	3-4	"	3	"	10	"	"
"	1	"	4	"	12	"	"
"	1 1-4	"	6	"	0	"	"
"	1 1-2	"	7	"	2	"	"
"	1 3-4	"	8	"	4	"	"
"	2	"	9	"	8	"	"

and cast iron and Wyckoff service pipes must be subjected to a hydrostatic pressure of 250 pounds to the square inch, before they are laid, or be approved by the Board of Water Works. All pipes and every stop-cock shall be subject to inspection by the water works' authorized agents, and if found defective in any respect their introduction shall be prohibited.

Sec. 5 *Depth of service pipe* :—Within the limits of the streets, service pipe shall in no case be laid at a less depth than four feet under the surface of the street, sidewalk or lowest part of the gutter.

(1) As amended July 14th, 1873.

Sec. 6. *Stop-cocks and their location* :—There shall be a brass stop-cock in each service attachment, under the exclusive control of the Board of Water Works ; the said stop to be placed in the pipe, on the sidewalk, just inside of the line of the curbstone, or outside of the line of the lot, and no person, not a direct employe of said board, shall open, close, or otherwise interfere with said stop-cock. Such stop-cock shall be provided with a box or tube sufficiently large to afford ready access for turning on and off the water. The top of each box or tube shall be placed on a level with the grade of the sidewalk or alley, and have an iron cover or cap suitably attached, with the word "water" upon the said cover, and in no case shall stop-cocks be placed in vaults under the sidewalk, unless they be so protected or inclosed as to afford no other mode of access, except by the removal of the cover from the box on the sidewalk, and in case it becomes necessary to place any stop-cock controlled by said board deeper than four feet below the surface, the said stop-cock must be provided with a stationary key, reaching from the stop to within six inches of the top of the box and terminating with a strong handle, similar to that on the stop. Each service pipe must be furnished with a stop and waste below the action of frost, so situated that the water can conveniently be shut off and drained from the pipes, to prevent freezing.

There shall also be a stop-cock placed in every service attachment, located at the first suitable point beyond the street or alley limits, to enable the consumer to turn off the water in case of accident to the pipe on his premises.

Sec. 7. *Hose attachment* :—Hose attachments, connected with service pipe, for sprinkling yards and for washing sidewalks, walks, steps, windows, fronts, etc., shall be placed in the yard wherever convenience and

yard room will permit it ; where this is not the case they may be put on the sidewalk inside the curbstone, or outside of the line of the lot, and about one foot distant therefrom. The box containing such hose at attachment to be provided with an iron cover suitably attached and placed on a level with the grade.

Sec. 8. *Water fixtures on the premises* :—On the premises supplied with water, the fixtures, such as hydrants, draws, wash basins, sinks, bath tubs, water closets, urinals, fountains, hose attachments, tanks, etc., may be such as will best suit the convenience of the consumer, excepting always those which in the opinion of said board are so constructed as to unnecessarily waste water, the use of which is prohibited.

Sec. 9. *Branch service* :—Applicants desiring to supply more than one house from an attachment, will be permitted so to do, where either a stop or plug of larger diameter, or more than one, is provided, so as to equalize the water supply as nearly as possible, but there shall in such case be one principal stop cock, which shall control the whole supply, and as many auxiliary stops as there are dwellings or premises supplied with water from the attachment, all placed outside of the line of the lot in such a manner as to be at all times accessible to the board or its agents. The failure on the part of any owner or occupant, to comply with the provisions of this ordinance, or of the rules, regulations and rates adopted by the common council of said city, shall cause the water to be shut off by said board at the stop or circular cocks, and the supply of the party so failing, to be discontinued until a compliance with all laws and rules relating thereto.

Sec. 10. For any extension or alteration in any of the water fixtures of any consumer, written permits from the secretary of said board must invariably be obtained before any alteration of extension can be

made, and any consumer desiring an extension for the purpose of supplying neighboring premises with water, may receive permission so to do, and in such he will become responsible for the payment of the water rate for all premises so supplied, so long as the extensions are available for supplying any party with water, and any consumer who shall permit the occupant of neighboring premises to use water from his or their pipe without said neighboring premises having first been assessed, and water rate paid therefor, and the occupant of such neighboring premises who shall so procure water, without payment therefor having previously been made, shall be subject to a fine of not less than five, nor more than twenty dollars, together with the costs of prosecution, and the water rates on such premises for the time they have been supplied.(1)

Sec. 11. Applicants desiring attachments of larger diameter than prescribed, for the purpose of controlling a large quantity of water in a short space of time, and thereby enjoy or possess water privileges not granted to the majority of consumers, will be granted permits for such attachments, on condition that the assessment, after being made according to the regular rates, shall be increased by a percentage equal to one-third the percentage in which the capacity of the extra large attachment exceeds the capacity of the prescribed attachment. And consumers requiring large supplies of water for manufacturing purposes, and who at the same time require from their extra large attachments, water for ordinary domestic purposes, shall reduce the branches for the latter purpose, down to the established size, or else be subject to the payment of an increased water rate, as above provided. Provided, that any person opening or using water from any public fire hydrant,

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(1) As amended January 3d, 1876.

for any purpose except extinguishing fire ; or any person opening or using water from any private hydrant or hose connection, where the opening from said hydrant or hose connection is larger than one and one-half (1 1-2) inches in diameter, or using a hose with nozzle larger than one-half inch in diameter, for any purpose except extinguishing fire, or any person using a hose without a nozzle for any purpose, without a written permit from the secretary of the board, and under the direct supervision of an employe of the board, shall be subject to a fine of *twenty dollars* for the first offense, and *one hundred dollars* fine, or imprisonment for three months, for each offense after the second, together with the costs of prosecution in each case. And in case any servant, apprentice, minor, or employe shall be guilty of any violation of this section, the master, mistress, employer, parent or guardian of such guilty person shall be responsible for and subject to prosecution for such violation ; provided said violation was done with the knowledge or consent of said employer, parent or guardian.(1)

Sec. 12. *Location of hydrants, &c.*:—Hydrants, hose attachments, goose-necks, faucets, or any other device which consumers may adopt for obtaining water from the service pipes, shall not be located in such a manner as to afford parties occupying neighboring premises, or the public, access to them, unless all parties having access to such devices for drawing water, shall first have their premises assessed, and pay for supplying the same with water.

Sec. 13. *Carts for sprinkling streets*:—Permits for attachments to supply street sprinkling carts may be granted to sprinklers in such number, capacity and localities, as will best accommodate the public. And all persons desiring to sprinkle streets from carts sup-

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(1) As amended January 3d, 1876.

plied with water from the water works must first obtain a license from said board for each and every cart used for such purpose, and such persons must not use or permit the water from such licensed carts to be used for any other purpose.

Sec. 14. No person or persons shall lay any service pipe, or do any kind of plumbing work connected with the introduction and supply of water from the water works, unless he or they first obtain written permits from said board for all separate jobs of plumbing work which he or they may wish to perform. Any plumber wishing to do business in connection with the water works must first give satisfactory evidence to the board that he is a regularly educated plumber, that he is willing to be governed by the ordinances, rules and regulations which are, or may be adopted by the common council or said board, and every plumber shall not only be subject and conform to all and singular the rules, regulations and penalties, which now exist, or may hereafter be passed by the common council, or board, but he shall also enter into a bond, with one or more sureties, if required by said board, to indemnify and save harmless of and from all accidents, damages and losses, which said city may sustain, by reason of his failing to comply with all the rules and regulations, as are or may hereafter be established, as aforesaid. And he shall in addition thereto pay a license fee of five dollars per annum to said board. All licenses issued by said board shall be made to expire on the first day of January next following the issuing of the same, and in case any plumber shall wilfully violate any of the provisions of this ordinance, or the rules adopted by said board, his license shall be canceled. Any person other than the plumber mentioned in the permit, who shall do any kind of plumbing work, in connection with the introduction

and supply of water from the water works, under cover of a permit granted to a licensed plumber, shall be subject to a fine of not less than *five dollars* and costs of prosecution for each offense.(1)

Sec. 15. *Inserting stops and plugs, and laying service pipes* :—In removing pavements, sidewalks, and opening trenches for inserting stops and plugs, laying service pipe, and making repairs or extensions, the materials must be removed and replaced in a good and workmanlike manner, depositing the excavated materials in such manner on the streets, alleys and sidewalks, so as to obstruct them as little as possible, and admit of its being replaced in the same position in which it was found, as nearly as practicable, and such work shall be done and completed with all possible dispatch. No trench or hole in any street, alley, sidewalk or public place shall on any account be left unguarded. The drilling of distributing pipes, the inserting of connections and manipulating of stop gates shall in all cases be done by persons in the employ of said board.

Sec. 16. *Plumbers' returns* :—Plumbers shall make full and complete returns of the uses for and to which water is applied under any permit granted. Such returns must be made to said board by the plumbers doing the work, within forty-eight hours after the completion of said work, as the water will not be turned on any premises until after said return is made, and the work reported to be in accordance with the provisions of this ordinance, and the rules of said board.

Sec. 17. *Location of attachments* :—Plumbers in making returns of permits, shall give the name of the street or alley in which the attachment has been made, and whether the service pipe enters the premises on the north, south, east or west side of the street or

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(1) As amended January 3d, 1876.

alley, and also state accurately the distance of the stop-cock from the near side line of the nearest cross street, lane, alley or other well defined public place; such measurement to be recorded in feet and inches, and made in a direct parallel with the side line of the nearest street or alley to where said line intersects the near side line of the nearest cross street, lane or alley. In cases where the alignment of any street, lane or alley is not well defined the measurement must be continued until a well defined street line is reached, which must be intelligently described in the return.

Sec. 18. No plumber or other person shall make an attachment to any old pipe or water fixtures in premises from which the water has been shut off and the supply discontinued, without the party desiring such work to be done having first made application and obtained a reissue and permit for the same. Nor shall any plumber or other person make any alteration in any pipe or water fixtures attached to the water works distributing pipes to conduct water into adjoining premises, or into stables, baths, water closets, wash basins, cisterns, fountains, or for any other purposes whatever, without application first having been made, and a written permit obtained from the board for each and every separate job of such modifications in the water fixtures, and in no case shall any plumber, after the completion and trial of any job of plumbing work, be it the first introduction of service pipe, an extension, or a repair, leave the water on the premises, but shall in all cases close the stop-cock and return his permit. And any person who shall cause premises to be supplied with water from the water works, from which the water has been shut off for any violation of the rules and regulations, and any person who shall open any stop-cock in the street or alley, (which has been closed by order of the proper officer of the board),

except on the order of the superintendent of the works, shall be subject to a fine of not less than TEN dollars and costs of prosecution for each offense.(1)

Sec. 19. After the plumbing work is finished, returns made, and found to agree with the survey of the water inspector, the assessment shall be made according to the established rates, in each case for the period of one year, and payment made in advance for the time intervening between turning on the water and the date of the next quarterly prepayment of water rates. The water rates must in all cases be paid in advance, and by the regular consumers for three months in advance, from the first day of January, April, July and October in each year, all payments to be made at the office of the board between the first and tenth days of January, April, July and October. Provided, however, that the board may charge and collect water rates for such shorter terms, as it may deem advisable, from other than regular consumers. Should the uses of water, rated in any assessment, be increased or diminished subsequent to the making of the same, it shall be competent for the secretary to re-assess the same from the commencement of the next succeeding quarter.(1)

Sec. 20. All parties using water from the water works for any purpose whatever, will do so at their own risk, as said Bay City will not, nor will said board, in any case be liable or responsible for any damages occasioned by, or growing out of the stoppage of said water, or an insufficient supply of the same, or for accidents or damages of any kind caused by, or growing out of, the use or failure of such water. And using, or permitting the water to be used, for any purpose other than that for which the application has been made, will be deemed a violation of this ordi-

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(1) As amended January 3d, 1876.

nance, and subject the offender to the *same penalty as provided* for the violation of section 10 of this ordinance. (1)

Sec. 21. *Meters*.—Water consumers can have meters attached to their service pipe whenever they desire it, or the board may attach meters whenever it deems it proper to do so. When a meter is attached at the request of the consumer, he shall pay the cost of the meter and the expense of attaching it, and keeping it in good repair. Said board shall in all cases have free access to the meters.

Sec. 22. *Filling cisterns*.—Parties having cisterns on their premises may fill them with water from the water works, provided that their premises are assessed and they pay for supplying the same with water, and obtain a written permit from the board for each and every time the cisterns are to be filled. Where cisterns are so situated as to be accessible to parties occupying neighboring premises, no permit will be granted for filling them with water, unless all premises so situated shall have been assessed, and the owners or occupants thereof pay for the use of the water.

Sec. 23. The use of hand hose is permitted at all hours in the day for the purposes named in the permit, except sprinkling yards and gardens, washing sidewalks, walks, steps, windows and fronts; for these purposes the use of the hand hose is restricted to four hours in each day, and no person shall be permitted to use such hose for washing locomotives, cars, coaches or vehicles of any description, or for any purpose in which the momentum of the water from the hose nozzle is alone depended upon for producing the requisite friction to effect washing, unless special permits shall have been granted for such purposes, and extra water rates paid for all such wasteful uses of

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(1) As amended January 3d, 1876.

water. No person shall use a hand hose for sprinkling streets, yards and gardens, washing side-walks, walks, steps, windows and fronts, with hose nozzle larger than one-fourth inch in diameter. No person shall use a hand hose for washing streets, gutters, or thawing snow or ice, nor shall they use a hand hose without a nozzle for any purpose whatever. No person shall use leaky hose attachments, broken caps or boxes, nor convert hose into jets for amusement, or suffer the same to run when not in use. No person shall use any hand or larger hose for any purpose during a fire, except in the immediate vicinity of the fire, and on premises which are in danger of ignition, and any person using such hose except as above provided, between the sounding of the fire alarm and giving the signal for taking off the pressure (knowing that a fire is in progress), will be liable to a fine of not less than five dollars and costs of prosecution for each offense; and any person who shall continue to use such hose during a fire, after being ordered by the superintendent of the works to desist, shall be subject to a fine of not less than ten dollars and costs of prosecution, or imprisonment for not less than ten days.(1)

Sec. 24. All consumers or subscribers entitled to the use of water shall keep their own service pipe, stop-cocks, key boxes, covers and other apparatus in good repair and protect from frost, and shall prevent all unnecessary waste of water. No reduction will be made from the assessed rate by reason of pipes being frozen up, unless the same shall have been shut off at the stop-cock which the board control. In case the service pipe is found leaking so as to require the water to be shut off to make repairs, and the cap to the key box is missing, or the key box is filled with earth, stones or rubbish, the consumer or subscriber shall

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(1) As amended January 3d, 1876.

pay for all extra expense attending the shutting off of the water, and have the key box properly repaired before the water shall be again turned on the premises.(1)

Sec. 25. *Constant flow of water* :—Watering troughs in livery stables, stock yards, slaughter houses, and other places requiring large quantities of water, will not be permitted to receive a constant flow of water, but only such quantity as will supply their actual wants, unless the consumer has a meter attached to the pipe. And in all cases where a continuous stream of water is required for any purpose, the consumer must have a meter attached as above. In cases where water is discharged into tanks, and the buildings thence supplied, the tanks must be kept perfectly water tight, and the supply pipes to the same provided with ball-cocks, which must always be kept in working order.

Sec. 26. *Fountains* :—Permits for fountains will be issued semi-annually. Each such permit must specify the number of hours, and which, out of the twenty-four, per day, the fountain is permitted to play. The supply pipes to all fountains out of doors must be provided with stop-cocks, under the control of the board. Assessments for out-door fountains shall be made for the length of time the permit is granted, at the expiration of which the water will be turned off and remain off until another permit is obtained. For indoor fountains, the assessments shall be made for the whole year. Assessments will, in all cases, be made for the full capacity of all the jets and sprays, and the quantity of water discharged in a given time shall be calculated at the average pressure, during the hours in which the fountain is permitted to play.

Sec. 27. *Boilers* :—The owners of steam boilers tak-

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(1) As amended January 3d, 1876.

ing a supply of water directly from the service pipe, depending upon the hydraulic or hydrostatic pressure in the pipe system of the water works for supplying such boiler under working pressure, will do so at their own risk. House boilers, for domestic use, must in all cases be provided with vacuum valves, to prevent collapsing when the water is shut off from the distributing pipes.

Sec. 28. In all cases where the orifice in the main pipes does not exceed the size prescribed in section 2 of this ordinance, the rates shall be as follows :

For each dwelling house of six rooms or less, occupied by one family, \$5 per annum ; for each additional room, \$1 per annum ; for each additional family in one dwelling, \$3 per annum.

For each private pan water closet or urinal, \$2 per annum.

For each public pan water closet or urinal, \$5 per annum.

For each private hopper water closet, \$3 per annum.

For each public hopper water closet, \$6 per annum.

For each bathing tub in private family, \$3 per annum.

For each public bath house with one tub, \$10 per annum ; for each additional tub, \$6 per annum.

For each store of 25 feet front or less, \$6 per annum ; over 25 feet front and less than 50 feet, \$10 per annum.

For each office, \$2 to \$5 per annum.

For each family over stores or offices, \$5 per annum.

For each barber shop with one chair, \$4 per annum ; for each additional chair, \$2 per annum.

For each stable, including water for washing carriages, for one horse, \$3 per annum ; each additional horse, \$2 per annum ; dray and team horses, each \$1 per annum.

For each church, \$5 to \$10 per annum.

For each bakery, per average daily use of flour, for each barrel, \$3.50 per annum; provided, that no bakery shall be charged less than \$10 per annum.

For each blacksmith shop with one forge, \$3 per annum; each additional forge, \$2 per annum.

Machine shops and foundries, including boilers, \$50 to \$100 per annum.

Street sprinklers, for each cart or team, \$15 per month.

For the right to attach a hose of not more than three-fourths of an inch orifice, with nozzle of not more than one-fourth of an inch orifice for sprinkling streets, lawns, or gardens, in addition to the use for other purposes, and the use of the same to be limited to four hours each day, the hours of the day when hose is to be used to be fixed by the board of water works, whenever they may consider it necessary, from \$3 to \$12 for the season, according to the surface sprinkled.

Hotels, boarding houses, shops or manufactories, steam engines and boilers, saloons, groceries, provision and meat stores, breweries, livery stables, cold water engines or motors, and all other places where water is used in large quantities, or where no rate is here fixed, at meter rates to be estimated by the board of water works.

Fountains at meter rates.

Private fire hydrants, with double streams, for the first hydrant, \$20 per annum, and for the first single hydrant, \$15; and for each additional connection for hose where the opening exceeds one and one-fourth inches in diameter, \$5 per annum.

Meter rates—When the average daily consumption is 1,000 gallons or less, 30 cents per 1,000 gallons; over 1,000 gallons and under 2,000 gallons per day, 25

cents per 1,000 gallons ; over 2,000 gallons and under 4,000 gallons per day, 20 cents per 1,000 gallons ; over 4,000 gallons and under 7,000 gallons, per day, 15 cents per 1,000 gallons ; over 7,000 gallons and under 10,000 gallons, per day, 10 cents per 1,000 gallons ; over 10,000 gallons per day, at such rates as may be fixed by the board of water works, but not less than 5 cents per 1,000 gallons.

In all cases where water is measured to the consumer, or assessed by the month at meter rates, the rate is to be paid each month, and no meter rate shall be less than \$1.00 per month.(1)

Sec. 29. Any person or persons failing or refusing to pay his or their assessment for water rent whenever the same becomes due, or for work and labor done, or materials furnished him by the board, shall be liable in an action of assumpsit for the amount thereof, to be brought in the name of Bay City. And it shall be the duty of the board, in addition thereto, whenever the water rent or claim is not promptly paid, to shut off such consumer's supply until all such claims, with costs, are fully paid. And the amount when collected, whether by suit or otherwise, shall be paid to the city treasurer and by him placed to the credit of the water works fund.

Sec. 30. Any violation of, or failure to comply with any of the provisions of this ordinance, or failure or neglect to comply with any orders or directions of the Board of Water Commissioners, given in accordance with this act, shall be punished by a fine of not less than five dollars, and not exceeding one hundred dollars, and costs of prosecution, or imprisonment for any period of time not exceeding three months.

Sec. 31. Any person wilfully interfering with or injuring such water works or pipes, or putting any ani-

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(1) As amended April 12th, 1880.

mal, vegetable or other substances in any of the reservoirs, tanks or pipes, or polluting the water therein in any way, shall be punished by a fine not exceeding one hundred dollars and costs of prosecution, or imprisonment for any period of time not exceeding sixty days.

Sec. 32. All fines collected under the provisions of this ordinance shall be paid over to the city treasurer, and by him credited to the water works fund.

Sec. 33. In the imposition of any fine and costs for violating any of the provisions of this ordinance, as provided for therein, the court before which the conviction is had may sentence the offender to imprisonment in the jail of Bay county until the payment of such fine and costs, for a term not exceeding three months.(1)

Adopted December 30th, 1872.

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#### GAS WORKS.

##### **An ordinance relative to gas works.**

*Be it ordained by the Mayor, Recorder and Alderman of the city of Bay City :*

Section 1. That the exclusive right and privilege of erecting gas works within this city, and of laying and continuing gas pipes along and across any, and all of the streets, sidewalks, lanes, alleys and public grounds in said city, and of manufacturing gas, for sale, for light, and of supplying said city, and the buildings and streets therein with gas for lighting the same, be and is hereby granted and secured to James Clements, upon the conditions, and under the restrictions hereinafter mentioned, for the term of twenty years from the passage of this ordinance ; provided, however, and this grant is made sub-

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(1) Section added February 27th, 1882.

ject to the following restrictions and conditions, to-wit :

Sec. 2. That said James Clements shall, within eighty days after the passage of this ordinance, organize a company, under the act of the legislature of the State of Michigan, entitled, an act to authorize the formation of gas light companies, approved Feb. 12th, 1855. And said company file their acceptance of this ordinance, and a copy of their articles of association, with the recorder of said city, and a written assent of said company to the provisions of this ordinance, and the agreement by the said company, signed by the officers of said company, to erect gas works in said city, and to manufacture gas, and to supply the same to consumers, upon the terms hereinafter mentioned.(1).

Sec. 3. That said company shall, within ninety days from their acceptance of this ordinance, commence the erection of gas works in said city, and shall within one year, lay down at least ten thousand feet of gas pipe in said city, and shall supply and continue to supply all persons along the lines of such pipe, who may suitably supply their premises and buildings with service pipe and fixtures for receiving and burning gas, and who may require and pay for the same, and sign the rules and regulations usual with gas companies, with gas of as good quality as that furnished by the Detroit Gas Company, at a rate not exceeding—exclusive of a reasonable rent for meters and the U. S. tax—four dollars per thousand cubic feet, for private lights, and to the corporation of the city of Bay City for public lamps, at a rate not exceeding three dollars and fifty cents per thousand cubic feet. *Provided*, however, that the average cost to both public and private consumers, shall not exceed the rate paid by other cities of the state of like population, similar-

(1) As amended by resolution of February 18th, 1868.

ly situated as to the cost of manufacturing gas ; and that thereafter, as other parts of the city may become more compactly built, so as to afford responsible applicants as consumers of gas in five (5) different buildings, who shall agree to take, and continue to use and pay for gas therein, for each additional two hundred and fifty feet of main pipe, the said company shall, within a reasonable time after such application for that purpose, extend gas pipes, and furnish gas upon the terms aforesaid, to each additional building of said applicants.

Sec. 4. And that said company in digging for, and laying gas pipes, shall take care not unnecessarily or unreasonably, to obstruct or injure any street, sidewalk, lane or alley, and shall with reasonable diligence, restore such street, sidewalk, lane or alley to as good a state of repair as the same was in before disturbed by said company ; and shall in all respects fully indemnify and save harmless the city of Bay City from and against all damages or costs which the city may be put to or sustain by reason of such digging ; and shall comply in all respects, with the provisions of all ordinances of said city, which have been and may hereafter be passed relative to the streets, sidewalks, lanes and alleys, not inconsistent, or in conflict with the rights and privileges granted by this ordinance.

Sec. 5. And in case the dividends of said company, shall average to exceed fifteen per cent. per annum, the common council may at any time, after giving to said company ninety days notice to show cause against such reduction, have power to compel the said company to make a reduction in the price of gas, equivalent to the excess of its dividends over fifteen per cent. per annum. The reduction to be *pro rata* to the citizens and the corporation.

Sec. 6. That at least one of the directors or the pre-

sident of said company shall always be an actual resident of the city of Bay City, and that the office of the company shall be located in said city.(1)

Made and passed December 27th, 1867.

NOTE.—In reference to the filing of the articles of association, and the acceptance required by the above ordinance, see vol. B of Records of Common Council Proceedings, at p. 168.

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(1) As amended by resolution of February 18th, 1868.

**XII.****MISCELLANEOUS ORDINANCES.****SPECIAL MEETINGS OF COUNCIL.**

**An ordinance to call special meetings of the common council of Bay City.**

Section 1. *It is hereby ordained by the Common Council of Bay City,* That special meetings of said council may be called by the mayor of said city, or in case of his absence from the city, or inability to officiate, by the recorder, serving a written notice, signed by him officially, or by the recorder personally on each member of said common council, or by leaving such written notice at the dwelling house or place of business of said member.

Sec. 2. Such notice shall appoint the hour, day and place of such special meeting; and shall be served at least two hours before the time designated to hold such meetings; and may be served by the marshal, or any person authorized to serve the same.

Made and passed January 14th, 1868.

**LABOR OF PRISONERS.**

**An ordinance providing for the work or labor of certain persons.**

*It is hereby ordained by the Common Council of Bay City, as follows:*

Section. 1. That any male person over the age of sixteen years, who shall be confined for the non-payment

of any fine, penalty, forfeiture or costs, or for any offense under the charter of Bay City, or any ordinance of the common council, in any jail, work-house or work, may be employed at work or labor upon any street or public work under the control of the common council. Such work or labor shall be performed in the charge of any police officer or any officer appointed by the Mayor, and under the direction of the street commissioner.

Sec. 2. Every person who shall be employed at work or labor, as provided by section one of this ordinance, shall, if desired, labor ten hours of each day (except Sunday) during the term of his confinement, and shall perform all such reasonable labor in shoveling, cleaning or otherwise improving the public streets, or upon such public work or works, and when not thus employed at labor shall be confined in the jail, work-house or prison to which he was sentenced; and it shall be unlawful for any person so employed at work or labor to refuse to perform such labor or work when required, or to escape from such work or labor; and if any person employed as aforesaid shall escape, the marshal, deputy marshal or any police officer may re-arrest such person, and the term of confinement of such person shall continue from the time of his re-arrest, the same as though he had not escaped.

Sec. 3. It is hereby made the duty of the marshal, when any person or persons shall be employed at work or labor as aforesaid, to cause such person or persons to perform such work or labor, and in such manner as shall be directed by the street commissioner, and it is hereby made the duty of the street commissioner to direct all work and labor which shall be performed by virtue of this ordinance.

Adopted August 31st, 1874.

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REPORTING PAYMENTS TO COMPTROLLER.

**An ordinance to require city officers and others to report certain money payments to the comptroller.**

*It is hereby ordained by the Common Council of Bay City :*

Sec. 1. That all city officers, the chairman of any committee of the council, the board of water commissioners, the board of school commissioners and the board of police commissioners, or any committee of said boards, in all cases when they pay the city treasurer monies belonging to or due the city, shall report the same in writing to the city comptroller, to enable him the better to keep the books and accounts of the city, and the city treasurer shall not deliver any receipts to the officers, chairman of committees or boards so paying in said monies, until said receipt is countersigned by the comptroller.

Sec. 2. This ordinance shall take immediate effect.

Adopted October 31st, 1881.

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## CREDITING MONEY TO GENERAL FUND.

**An ordinance to provide for crediting certain moneys to the city general fund.**

*It is hereby ordained by the Common Council of Bay City :*

Section 1. Whenever any moneys shall have been paid out of the city general fund for the plans, specifications, survey, or superintendence of construction of any special improvement, the expense of which is, by the charter, made a charge on the property specially benefited thereby, at the time when the city treasurer is by the charter required to make his return of the county tax roll to the county treasurer, the city treasurer and comptroller in applying the moneys collected on the county tax roll to fill the different funds, as

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